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OR A VIEW OF THE  
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AND  
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OF THE YEAR

**1838.**



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THE  
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1838.

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HISTORY OF EUROPE.

CHAPTER I.

*General remarks on the Canadian Insurrection—Historical notice of the grievances of Lower Canada—Nature of the disputes concerning the appropriation of the Revenue—Duties of 1774—"Permanent appropriation"—Casual and Territorial Revenues—Law of Property—Tenures—Report of the Commons Committee of 1828—Conciliatory Policy of the British Government—Surrender of the Duties of 1774—Factionous conduct of the House of Assembly—Sir Francis Head's publication of his Instructions—Crisis—Progress of the Insurrection in Lower Canada—Conflicts at St. Denis and St. Charles—Revolt suppressed South of the St. Lawrence—Sir John Colborne crosses the Ottawa—Defeat of the Rebels at St. Eustache—Surrender and Burning of St. Benoît—Termination of the Insurrection—State of Public Feeling in the United States—Upper Canada—Mr. Mackenzie's Proclamations—Policy of Sir F. Head—Outbreak near Toronto—Flight of Mackenzie—Seizure of Navy Island—Affair of the Caroline—Aggressive conduct of Citizens of the United States—Opening of the Session—Evacuation of Navy Island—Patriots successively defeated near Kingston, at Fighting Island, and at Point Pelé Island—Conduct of the American Authorities—Sir Francis Head Resigns the Government—Addresses from the Two Houses—Prorogation of the Local Parliament—Report of the Committee of the Assembly.*

**T**HE Queen's first Parliament, it will be recollected, was assembled in November, 1837. Some of the more important mat-  
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ters which came under deliberation at the commencement of the session, such as the civil and pension lists, and the affairs of Canada, are  
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noticed in our last volume. The adjournment before the Christmas recess, took place almost contemporaneously with the arrival of the intelligence of the Canadian revolt, though not before some younger members of the Radical section, had found an opportunity of expressing their exuberant joy at the fact, and their confident predictions of its inevitable consequences. Nor were others wanting, little differing, perhaps, in their views, but more wary in the statement of them, who in a less unqualified tone, espoused the cause of the insurgents, and dwelt with ill-dissembled satisfaction on the difficulties which must attend their subjugation.

These sentiments, however, found little echo among the community at large. The liberality that could thus invite revolt, and counsel dismemberment, was of a pitch evidently transcending the comprehension, or sympathy of any considerable body of the people. There could, indeed, be but one opinion among sober minds as to the unprovoked character of the rebellion. Indeed, upon their own statement of them, the grievances of the Canadians were neither of an extent or a kind to justify a resort to such an extremity. It is the modern fashion to consider these as questions rather of expediency than of moral principle. But even on that ground, there was little in the proceedings of the French Canadians to conciliate respect or interest. The most *liberal* in such matters will admit, that in a struggle of this kind, whatever be its motive or object, a fair probability of success is necessary not merely for its prudential but its moral justification. In the present case, the world was asto-

nished when it came to see with how feeble means, with what an absence of plan, concert, or of the simplest preparation; and above all, at the instigation of what sort of men (leaders they can scarcely be called, who for the most part fled before battle) the insurrection was hazarded.\*

Before we proceed to lay before the reader the details of the rebellion, together with the parliamentary discussions which it occasioned, we propose to collect a few of such of the more prominent passages of the constitutional history of Lower Canada, as may serve to illustrate the real character of the Canadian grievances, past as well as present. It is needless to add, that our limited space excludes many points of the greatest importance to either province. The following statement applies almost exclusively to the principal "grievances" of the people of Lower Canada.† Upper Canada, it will be seen, had its troubles likewise, but they arose less from political causes, than from a predatory spirit on the part of the disturbers of the public peace.

Shortly after the cession of Canada in 1763, English law was, by royal proclamation, established in the colony. But by an act passed

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\* Mr. Papineau, it is said by those who ought to know, was not accessory to these latter proceedings, which took place contrary to his advice. This may be believed, without giving that gentleman credit for more than common prudence. Yet his conduct immediately anterior to the outbreak scarcely corroborates the statement.

† For a valuable and authentic body of information on the whole question, the reader is referred to the evidence taken before the Commons committees in 1828 and 1834, and to the report of Lord Gosford's commission published in 1838,

in 1774, (14 George 3rd. c. 83) the French civil law was restored, with this restriction, that it should not apply to lands which had been or should be granted in free and common soccage. At the same time the English criminal code was retained. A free exercise of the Roman Catholic religion was guaranteed, subject to the king's supremacy, and their accustomed dues and rights were secured to the clergy of that church. This act of parliament stamped the province with a character exclusively French ; and impeded, as far as any legislative enactment could do, the adoption of English manners and institutions. And, thenceforward, the greater number of emigrants of British race, whether loyalists from the old colonies, or adventurers from home, repaired to that part of Canada which now constitutes the upper province, and where there were then no French occupants.

This state of things was confirmed in 1791, when the act passed, (31 George 3rd. c. 31) dividing the province into two, and establishing in each the present constitution. The legislatures so created consisted of a council, and an assembly. The members of the former were to be appointed by the Crown. For the purpose of constituting the latter, each province was distributed into counties and towns or townships. The members for the counties were to be chosen by persons holding land in freehold, fief, or roture, to the annual value of forty shillings ; while the electoral qualification for the towns consisted of a dwelling house and lot of ground in the township, of the annual value of 5*l.*, or for which a rent of 10*l.* ; was paid. The assembly was to be renewed

every fourth year, and was to consist, in the upper province, of not less than sixteen members, and in the lower of not less than fifty.

It seems to be admitted, that the home Government began by shewing little wisdom in its mode of managing the legislature of the lower province. Finding that the assembly was almost entirely French, they thought that they could not do better than make the legislative council as exclusively British. And thus, from a very early period, the two bodies became antagonists.

The issue of such a contest was inevitable. The assembly conscious of its strength, took up its ground on the question of finance. Until very lately, however, it was content to confine its efforts within their legitimate sphere ; aiming at nothing further than the redress of administrative abuses, which undeniably existed, and demanding an enlarged control over the revenues of the province.

We may venture to say, that up to the year 1828, the assembly of lower Canada, if not entirely free from a factious spirit, was yet not, in the main, unreasonable either in its pretensions or its behaviour. In that year, the whole subject came before the house of commons, and the committee, to which the Canadian grievances were referred, made their celebrated report. Several petitions came under their consideration. The most important, signed by about 87,000 inhabitants of Lower Canada, resident within the Seigniories, complained of arbitrary conduct on the part of the governors ; of the appointment of none but creatures of the executive government to the legislative council ; of the illegal appropriation of public money ; of

violent prorogations and dissolutions of the provincial parliament; of the connivance of the government at the insolvency of the Receiver General, Sir John Caldwell; and of certain acts of the imperial parliament, particularly the Canada trade act, (3 George 4th.) and the Canada tenures act, (6 George 4th). On the other hand, another petition signed by 10,000 inhabitants of the townships, enumerated the grievances of the British portion of the community. Among these, the most prominent were the inconveniences to which they were exposed, by being made subject to French law and procedure; and the inequality of their share in the representation.

Upon the more important of these matters we propose to offer a few remarks, serving to give a general notion of the controversy between this country and the colony. We will begin with the most important of all—the public revenue.

It may be premised, that throughout the unfortunate differences which we are about to notice, no question ever existed with respect to the *imposition* of duties, or the levying of money. The claims of either party were limited to the right of *appropriating*, what must, at all events, be collected, and what, if not disposed of, must accumulate from year to year in the public chest.

In the year 1774, an act passed the Imperial Parliament, (14 Geo. 3. c. 88,) on which the financial part of the quarrel mainly rested. After stating that certain duties had been imposed by the French king, and were subsisting at the period of the conquest, it directed that they should be discontinued; substituting others, which were to be

applied, in the first place, to making a more certain and adequate provision for the administration of justice, and of the civil government, the residue to be reserved in the hands of the receiver-general of the province, for the future disposition of Parliament.

This was followed by the act of the 31 Geo. 3. c. 31, already adverted to, and of which the 46th section recites the 18th Geo. 3. c. 12 (1778), which latter act declared, that thenceforward the King and Parliament of Great Britain would not impose any duty or tax in any of the North American colonies, or in the West Indies, except only such as it might be expedient to impose for the “regulation of commerce;” the net produce of such duties being always applied to the use of the colony, in which the same should be levied, in such manner “as other duties collected by the authority of the respective general courts, or general assemblies of such colonies are ordinarily paid and applied.”

The act then states, that it is necessary for the general benefit of the empire, that such power of regulating commerce should continue, “subject, nevertheless, to the condition thereinbefore recited, with respect to the application, of the duties.” And it therefore provides for the continuance of the powers in question, and debars the provincial legislature from varying, repealing, or obstructing laws made by virtue thereof—provided, that the net produce of all duties to be so imposed should, at all times thereafter, be applied in such manner only as should be directed by the provincial legislature.

Now, according to the construction of the British government,

the effect of these statutes was, to divide the revenues collected under their authority in Canada into two distinct classes; whereof the one consisted of the duties levied anterior to the passing of the act, 18 Geo. 3, and the other of such as had been imposed since and by virtue of that act, or of the 31 Geo. 3. c. 31. The latter of these classes they admitted to be altogether subject to the control of the provincial legislature, which, tho' without the power of prohibiting the collection of the duties, might, at pleasure, regulate, limit, and even refuse, their appropriation. But, with respect to the former, it was contended, on the part of the Imperial Legislature, that the colonial parliament had no such power, and that the duties substituted by the 14 Geo. 3. c. 88, for those which were antecedently existing, were already specifically appropriated by the British Parliament to defray the civil expenses of the colony.

The Canadians, on the other hand, insisted, that the last-mentioned act had been virtually, if not in terms, repealed by the two which succeeded it, and to which they attributed a retroactive operation. And they claimed a further latitude for the construction of the latter statutes, in consideration of the fact, that the act of 1774 was passed at a time when there was no provincial legislation, nor any local authorities, to whom the constitutional appropriation of the duties, then imposed, could be deputed. And they went on to argue, that the local parliament must, as soon as it came into being, by a certain transcendent virtue, essentially inherent in parliaments, attract within its own sphere the management of all public monies

—a privilege implied in its very existence, and inseparable from its functions.

We believe, that though these latter considerations might have afforded a good reason for a timely and graceful concession of their demands to the Canadian Assembly, on fair terms, no lawyer could have denied, that the legal construction of the statutes was that assumed by the British government. Another, and perhaps better ground of dispute, on the part of the Assembly, though equally inoperative with the former, as a legal argument, was the following. It being admitted on all sides, that the duties of 1774 were to be applied exclusively to the support of the civil government, it became the duty, as well as the privilege, of the assembly, whenever the executive government came down to them for an addition to that fund, to ascertain, by a careful examination of the whole expenditure, whether the supplementary aid, which they had the power of withholding, ought to be voted or no. This, it will be perceived, amounted really to a control over the appropriation of the entire revenue, since, by refusing to advance the secondary, until they were quite satisfied with every item of disbursement of the primary fund, they, of course, succeeded in obtaining the regulation of both.

This power, which they possessed in substance, whatever may have been the theory of its attribution, should, we think, have settled the question. But the government still clung to their legal title, shadowy as it was. And, in the ordinary course of such controversies, the misunderstanding and irritation on this question



continued to increase from the year 1809 till 1819. From the latter period, with the exception of one or two years, all the bills of supply sent up by the Assembly were rejected on the part of the Government, and the result was, that the governor was compelled, by necessity, to lay his hands upon money, which he could not, unauthorized by the Assembly, touch without a direct violation of the law.

Another disputed portion of the public revenue consisted of certain sums which, though not originally comprised in the first class of duties, were nevertheless withdrawn from the periodical control of the provincial legislature.

Besides the duties of 1774, and "the permanent appropriations" under local acts, last noticed, the House of Assembly laid claim to a control over a fund of a very different character, designated as "the casual, territorial, and hereditary, revenue of the crown;" and accruing, in respect of seignorial rights, from the proceeds of waste lands, and from certain other detached sources. This, in 1836, seems to have amounted to about 16,000%.\*

The Assembly founded their claims to this money mainly on arguments drawn from public policy, and on constitutional analogies; but especially of late years they have further insisted upon

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\* Mr. Neilson, one of the principal witnesses before the committee of 1828, estimated the total net revenue of Lower Canada at about 90,000%. He says, "in gross it has amounted to about 150,000%, a large proportion of which goes to the expenses of collection. I believe the executive government claims to appropriate between 30,000% and 40,000% annually, so that there would remain about 50,000% to be appropriated by the Legislature."

a message of Lord Dorchester, who, when governor in 1794, formally surrendered them to the public service, and, according to the construction put upon the terms of the message by the Assembly, to the control of the Legislature.

With respect to the questions arising from the state of the law, and from the conflicting nature of French and English tenures, it may be shortly stated, that the lands in Lower Canada are divided into two classes: the one almost exclusively occupied by the French, and subject to the law of France, as it existed prior to 1789, with all its feudal incidents and encumbrances; the other held under the common English tenure. Inconvenient as the French customs and seignorial rights appear to us, they are preferred by the French *habitans* to our law of real property; and the endeavours of our government, by commutation of tenures, to effect a change in this respect, and to introduce English law into the more recently settled land, have been resented by the French party as an unconstitutional interference with the domestic affairs of the province. Accordingly, the acts of the Imperial Parliament, by which it was sought to introduce these modifications, namely, the 3 Geo. 4, c. 119. s. 31 and 32, (the Canada trade act,) and the 6 Geo. 4. c. 59, the Canada Tenures Act,) are among the chief of the enumerated grievances.

For a very ample collection of information respecting the above and other collateral matters, the reader is referred to the evidence taken before the committee to which we have so often adverted. The report of that committee was characterised by the Canadian mal-

contents themselves as "an imperishable monument of justice and profound wisdom," and may therefore be considered, to a great extent, as a standard by which we may measure the reality of the grievances which they allege. The committee fully admitted in their report that many of the complaints of the Canadians were well founded, and on various points they recommended extensive redress. With respect to the money question, they say, that "they have felt, that they should not do wisely, in confining their views to a critical examination of the precise meaning of the words of different statutes. They look rather to the circumstances of Lower Canada, to the spirit of its constitution, to the position and character of its local government, and the powers, privileges, and duties, of the two branches of the legislature. Although, from the opinion given by the law-officers of the crown, they must conclude that the legal right of appropriating the revenues arising from the act of 1774 is vested in the crown, they are prepared to say, that the real interests of the provinces would be best promoted, by placing the receipt and expenditure of the whole public revenue under the superintendence and control of the House of Assembly." But they, at the same time, state, that they are "strongly impressed with the advantage of rendering the governor, the members of the executive council, and the judges, independent of the annual votes of the House of Assembly for their respective salaries."

The committee go on to say, that, they "cannot close their observations on this branch of their enquiry, without calling the attention of the House to the im-

portant circumstance, that in the progress of these disputes, the local government has thought it necessary, through a long series of years, to have recourse to a measure, (which nothing but extreme necessity could justify,) of annually appropriating, by its own authority, large sums of money of the province, amounting to no less a sum than 140,000*l.*, without the consent of the representatives of the people, under whose control the appropriation of those sums is placed by the constitution. And they cannot but regret that such a state of things should have been allowed to exist, for so many years, in a British colony, without any communication, or reference having been made to parliament on the subject." With respect to the legislative council, the subject next in importance, they recommended, "that a more independent character should be given to those bodies, (in both provinces) and that the majority of their members should no longer consist of persons holding offices at the pleasure of the crown. And they suggested that, with the exception of the chief justice, the judges should, in future, be neither members of the legislative, nor of the executive councils.

With regard to tenures and the law of property, their opinion seems favorable to further modifications of the French system, by affording increased facilities for commutation of tenure; and they recommended that the declaratory enactment of the tenures act which assigned the law of England to the townships should be retained. Adverting to the representative system, then in force, they described it as entirely founded on a numerical principle; Sir Alured Clarke, who divided the province, having taken for each



county, as much land as was found to contain a given number of inhabitants. On the thickly peopled banks of the St. Lawrence, a small district was found to suffice, while, in the more distant parts, vast territories were comprehended in one county, in order to obtain the required population. At some future time they thought that it might be advantageous to frame a system on the compound basis of territory and population.\*

It was found that Mr. Caldwell was a defaulter in 1823 for 96,000*l.* of the public money; and that the fact of his deficiency was known for a considerable time before he was suspended.

The publication of this report was the signal for speedy and serious endeavours on the part of the government to give effect to its main suggestions. Important changes were made in the Legislative council, with a view of removing all existing grounds of complaint on that head, and generally, a very strong disposition was evinced to meet the Canadians with concession. Above all, in 1831, ministers hurrying beyond the cautious, though most liberal, recom-

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\* A Bill, for the amendment of the representation, passed the Local Legislature in 1829. It made an entire re-division of the province, but increased the representation, by dividing the larger counties, leaving the smaller untouched, and forming forty counties out of twenty-one old ones, of which seven, according to the commissioners, either contain a majority, or consist exclusively of a population resident in the townships, that is of British race. According to the census of 1831 the population of Lower Canada was 509,591; of these 210,000 are of British descent. The number of representatives returned to the House of Assembly is eighty-eight. The population of the Upper Province is computed at 375,000, exclusively British.

mendations of the committee, obtained an Act of Parliament, (1 and 2 William 4th. c. 23.) whereby the entire duties of 1774, amounting to little short of 34,000*l.* were placed at the absolute disposal of the provincial Legislature; and this, without any stipulation whatever, in favour of the governor, the executive council, or the judges. The crown, it will be observed, still retained a considerable revenue within its control. Neither the "permanent appropriations," amounting to about 10,000*l.* annually, nor the casual and territorial revenues were affected by this act. Whatever may be thought of the policy of this *unconditional* abandonment of the duties of 1774, it was not otherwise than characteristic of the government which proposed it, nor is it more matter of surprise to find them, only two years afterwards, in the act of taking measures to recover what, in their improvident generosity, they had lavished to no purpose. With regard to the tenures, also, we may observe, that an Act passed the British Parliament in 1831, (1 William 4th. c. 20.), which empowered the Colonial Legislature to make alterations at their pleasure, in the legal incidents to property held in free and common socage, "any repugnancy to the law of England notwithstanding."

The events which followed these concessions are matters of very recent history, and as such are recorded in our annals of the last few years. The Assembly insisted upon a further surrender of whatever public revenue the Crown still retained at its disposal, and, at the same time, refused to bind themselves by any stipulation for securing an adequate civil list; they would not accede to the fairest pro-

posals for establishing the independence of the judges; they tacked to their money bills enactments foreign to the scope of them, and such as consequently compelled their rejection; they demanded a glaring violation of public faith in the case of the Canada Land Company;\* they insisted upon a total repeal of the Tenures Act; and not satisfied with the remodel of the legislative council, which had taken place on what seemed a very unexceptionable principle, they clamoured for the introduction of popular election into that body, and for the direct responsibility of the Executive Council, “conformably, as they said, to the principles and practice of the British constitution.† Whatever may have been the case, at an earlier stage of the quarrel, there seems little doubt but that, by the exorbitance of their recent demands, the Canadian malcontents had put themselves in the wrong. But we ought, nevertheless, to make some allowances for the spirit of discontent and faction naturally engendered by a faulty and irritating system of government, and which could not be immediately extinguished with the grievances which produced it.

The reader is already familiar

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\* The bargain made by the Crown with this company had excited great dissatisfaction. Its general nature was, that the company should pay 3s. 6d. per acre, for all reserved lands of the Crown, which were interspersed with other lands, and 3s. per acre for such tracts of land as were altogether unimproved, and therefore inaccessible. The entire sum to be paid was fixed at 120,000*l.*, half of which was to be expended in improvements, roads, &c.

† For further information as to the concessions made to the Lower Canadians, the reader is referred to the debates in a succeeding chapter—particularly the speech of Lord John Russell.

with the fact of Lord Gosford's appointment to the joint office of Governor and Head Commissioner. Soon after his arrival, the assembly voted an address to the Throne, in which they announced that they should consider certain fundamental alterations in the constitution, as the condition of any vote of supply. This seems to have been the first instance in which they had in a direct manner refused the supplies; and it appears that they were induced to take the step, by reason of the appearance of certain extracts from the Commissioner's instructions, which Sir Francis Head, the Lieutenant-Governor of Upper Canada, had, with his usual undiplomatic frankness, thought it advisable to make known to the world, and which, in their opinion, imported no favourable intentions on the part of the government. The famous resolutions of March 1837\* brought affairs to a crisis; and the *habitans* of Lower Canada, a virtuous and well-disposed people, but whose extreme ignorance makes them apt tools for any demagogue, were committed in acts of open rebellion. At the end of the volume will be found rather copious extracts from the despatches which at this period passed between Lords Gosford and Glenelg—a correspondence not without interest on many accounts, and frequently referred to in parliament.

The revolt was rapidly spreading on all sides, when the government authorities came to the determination of arresting Mr. Papineau, and certain of his confederates, who were supposed to have taken up their quarters at the villages of St. Denis and St. Charles; both on the right bank of the

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\* See last vol., p. 153.

river Richelieu, and about seven miles apart, the former being sixteen miles from Sorel, and the latter about seventeen from Chambly.

Strong military detachments were directed against these villages, in aid of the civil force, as an organised resistance was anticipated.

On the night of the 22nd of November, Colonel Gore, with five companies, one six pounder, and a small detachment of mounted police, advanced from Sorel upon St. Denis, where he arrived about ten o'clock on the following morning, after a very harassing march of twelve hours, through most inclement weather, and over roads rendered nearly impassable by heavy rains. The insurgents to the number of 1,500, were posted in the village, the approach of which was strongly defended by a large fortified stone house. A barricade was thrown across the road, flanked by buildings from which a severe fire opened upon the troops, as they made their appearance. Upon these defences, it seems, no impression was to be made, and the resistance was so determined, that, after exhausting nearly all his ammunition, Colonel Gore was compelled to retire with a loss of six men killed, and ten wounded.\* To add to the mortification of the troops, the badness of the roads rendered it necessary to abandon their field-piece.

On the same night that Colonel Gore left Sorel for St. Denis, Lieutenant Colonel Wetherell,

marched from Chambly upon St. Charles, at the head of five companies, two pieces of artillery, and a party of mounted police. It was intended that the attack upon St. Charles should be simultaneous with that upon St. Denis; but from the badness of the weather, and the destruction of the bridges, Colonel Wetherell did not reach St. Charles till noon, on the 25th. more successful than Colonel Gore, he stormed the works which the insurgents had erected, and burnt the village, with the exception of one house. The rebels made a stout defence, and the slaughter among them was proportionate. The loss on the side of the troops amounted to no more than three killed, and eighteen wounded.

The rebels posted at St. Denis, abandoned that position, when they heard of the capture of St. Charles, and on the 4th of December, Colonel Gore entered it without opposition. These events were followed by the complete dispersion of the armed bands on the banks of the Richelieu and the Yamaska. Their leaders betook themselves to the United States. The nominal chief appears to have been a person named Brown, who however, behaved throughout in a very dastardly manner, and early succeeded in making his way over the border; but Wolfred Nelson, a brave and determined man, and who commanded at St. Denis, when the troops were repulsed, was captured in his flight by a party of volunteers.

The suppression of the revolt, on the south bank of the St. Lawrence, left Sir John Colborne, the British Commander-in-chief, at liberty to move the whole of his disposable force upon the county of the Two Mountains, which lies to the

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\* Among the latter, one officer was included; and another, Lieutenant Weir, having fallen into the hands of the rebels, on his return to Colonel Gore, from Colonel Wetherell, to whom he had been sent with despatches, was butchered in cold blood, and in a very revolting manner.

north of the Ottawa. It was here that the spirit of disaffection first made its appearance, and, throughout, displayed the greatest violence. It was now understood that the insurgents were strongly intrenched and very numerous, in this quarter.

On the morning of the 13th of December, the force destined for this expedition left Montreal under the immediate command of Sir John Colborne. It amounted including volunteers, to about 1,300 men. The first object of attack was the fortified village of St. Eustache on the left bank of the Ottawa. Sir John having crossed the river, on the 14th, invested this village. Upon his approach, many of the insurgents began to waver, and some, including their supposed commander Girod, took to flight. Others, however, to the number of 400, under the orders of a Dr. Chenier, having thrown themselves into the church and the adjoining buildings, made a very resolute stand. A severe engagement ensued of an hour's duration, but their defences having sunk beneath the fire of the British artillery, and the church and fortified houses being in flames, they gave way, and were driven out of the village. In this action 100 of the rebels, at the lowest computation, were slain, and 120 made prisoners; while the British loss amounted to but one killed, and three or four wounded. Chenier was killed in the church; and Girod, having been captured in his flight, shot himself.

On the following day, the 15th, Sir John Colborne advanced upon St. Benoit, where it had all along been understood that the greatest resistance was to be expected. But he met on his march a deputation of Canadians, who an-

nounced the flight of their leaders, and the readiness of such of their party as remained in the village, to make an unconditional surrender. Accordingly, when he entered the place, from 150 to 200 insurgents came in with their arms, and were discharged unpunished. But it seems that the settlers of British origin in this district, who had suffered much, at the hands of the rebels, during their short ascendancy, were less easily appeased, and there is reason for believing, that the conflagration of the village, which took place, was the work of their hands.\*

On the 16th, Sir John Colborne returned to Montreal, and a single regiment sufficed to accomplish the reduction, or rather to receive the submission, of what remained of the insurgents.

"Thus," says Lord Gosford in the despatch which detailed these

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\* Sir John Colborne, in a despatch of the 30th, March 1838, speaking of this affair, remarks that, for some time previous, the loyalists in these parts had been in a state of proscription. After describing their flight from their homes in consequence of the violence to which they were exposed, he continues, "after these proceedings, armed parties of the rebels plundered the deserted farms: many of the sufferers of all classes fled to St. Martins and Montreal; but on the evening, on which the troops took possession of St. Eustache, the loyal inhabitants of that village and neighbourhood, anxious to return to their homes, and to protect the remainder of their property, followed the troops, and I believe it is not denied that the houses which were burnt, except those which were necessarily destroyed in driving the rebels from the fortified church, were set on fire by the loyalists of St. Eustache, and Riviere du Chêne, who had been driven from the country in October and November. The Royal regiment, and the 32nd and 83rd, were employed during the night of the 13th of December in preventing the fire from spreading."

events, "have the measures adopted for putting down this reckless revolt been crowned with success. Wherever an armed body has shown itself, it has been completely dispersed; the principle leaders and instigators have been killed, taken, or forced into exile; there is no longer a head, concert, or organization, amongst the deluded and betrayed *habitans*; all the newspaper organs of revolution in the province, the *Vindicator*, *Minerve* and *Liberal*, are no longer in existence, having ceased to appear about the commencement of the present troubles; and in the short space of a month, a rebellion, which at first wore so threatening an aspect, has with much less loss of life, than could have been expected, been effectually put down."

Of the principal leaders in this unhappy outbreak, four were killed, eight taken, and nine escaped. For some time considerable uncertainty prevailed concerning the fate of Mr. Papineau; but it at length appeared that he was safely settled in the State of New York, whither he had withdrawn at the first appearance of war.

It was natural that this insurrection in Canada should have excited a good deal of sympathy amongst a large class of the people of the United States. But unfortunately a much less elevated sentiment was at work on that side of the border, and there were few, if any, to be found amongst the large bodies of men, who were organized on different points, with a view to the invasion of Canada, who could plead a higher motive than was suggested by their rapacity, and a desire to repeat, at the expense of the hardy Britons of Canada, the experiment so suc-

cessfully made in the Texas. It was principally to Upper Canada that these marauding bands directed their attention.

The news of the rising in Lower Canada was the signal for action on the part of the mal-contented in the Upper Province. We accordingly find a document dated, "Toronto, November the 29th 1837, headed "Provincial Convention," and announcing that the convention appointed to meet for taking into consideration the state of the country, would hold its first sitting, on the 21st of December at Toronto. This notice bears the signature of "W. L. Mackenzie." Soon afterwards, another very singular manifesto was circulated from the same quarter. Its object was to call upon the people to rise against their rulers, but it is chiefly remarkable for the scraps of scriptural phraseology with which it is adorned, and which remind us somewhat of the style of John Ball and Jack Cade—"Canadians! do you love freedom? Do you wish for perpetual peace, and a government founded upon the eternal Heaven-born principle of the Lord Jesus Christ? Then buckle on your armour, and put down the villains who oppress and enslave our country, in the name of that God who goes forth with the arms of her people, and whose bible shows that it is with the same human means, whereby you put to death thieves and murderers, that you must put down, in the strength of the Almighty, those governments which, like bad individuals, trample on the law and destroy its usefulness." It tells the people that "They have been hoodwinked by Baal's ministers, and tampered with by wolves in sheep's clothing, who take the wages of



sin and do the works of iniquity." After much in a similar strain, it comes to business, informing them that it is the design of the friends of liberty, to give several hundred acres to every volunteer; to root out the Canada company; and to give free deeds to all settlers who live on their lands, 100,000*l.* drawn from the people in payment of salaries of bad men in office, were to be reduced to one quarter, and the remainder go to improve bad roads, "and make crooked paths straight," &c. It then continued,— "We have given Head and his employers a trial of forty-five years, five years longer than the Israelites were detained in the wilderness." "There are some rich men now, as there were in Christ's time, who would go with us in prosperity, but who will skulk in the rear, because of their large possessions: mark them!" &c.

The part taken under these circumstances by the governor of the province, Sir Francis Head, had at least the merit of originality. It will be remembered, that on the earliest appearance of insurrection, his first care was to get his province cleared of regular troops, and to leave it as defenceless as possible. This was the cardinal point of his whole scheme of preparation. Not an orderly or single sentinel was permitted to remain; and 6000 stand of arms were committed, free from all military custody or care, to the Mayor of Toronto. There is indeed something amusing in the earnest apprehension which his excellency evinced lest peradventure Sir John Colborne might, from lack of room in the Lower, be tempted to quarter a few companies in the Upper province. "I fear," says Sir Francis, "you may find difficulty in finding room for

them in the Lower province, but if by any exertion you can effect my wishes, I feel confident you will do so."

The motives for this conduct are thus explained by Sir Francis: "Considering the invasion with which we were still threatened, I conceived it to be absolutely my duty, by any means in my power, to lay before the American people the incontrovertible fact, that by the removal of her Majesty's troops, as also by the surrender of 6000 stand of arms to the civil authorities, the people of Upper Canada had virtually been granted an opportunity of revolting, and consequently that as the British constitution had been protected solely by the 'sovereign will of the people' it became, even by the greatest of all republican maxims, 'the only law of the land.'"\*

What ensued we may partly give, in his own words, from a despatch to Lord Glenelg of the 19th of December, 1837. "I have the honour to inform your Lordship, that on Monday, the 4th instant, this city was, in a moment of profound peace, suddenly invested by a band of armed rebels, amounting, according to report, to 3000 men (but, in actual fact, about 500), commanded by Mr. M'Kenzie, the editor of a republican newspaper; Mr. Van Egmont, an officer who served under Napoleon; Mr. Gibson, a land-surveyor; Mr. Lount, a blacksmith, and some other notorious characters.

"Having, as I informed your Lordship in my despatch, dated

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\* "Explanatory Memorandum" addressed to Lord Glenelg. (Parliamentary papers.) 21st. May, 1838.

the 3rd ultimo, effected the withdrawal of her Majesty's troops from this province, and having delivered over to the civil authorities the whole of the arms and accoutrements I possessed, I, of course, found myself without any defence whatever, excepting what the loyalty and fidelity of the province might think proper to afford me.

"I at once proceeded to the city hall, in which about 4000 stand of arms had been deposited. One of the first individuals I met there, with a musket on his shoulder, was the chief justice of the province; and, in a few minutes, I found myself surrounded by a band of brave men, who were of course unorganised, and, generally speaking, unarmed.

"As the foregoing statement is an unqualified admission, on my part, that I was completely surprised by the rebels, I think it proper rather to remind, than to explain to your Lordship, the course of policy I have been pursuing.

"In a former despatch I stated my opinion that civil war must henceforward every where be a moral one; and that, in this hemisphere, in particular, victory must eventually declare itself in favour of moral, and not physical preponderance.

"Entertaining these sentiments, I observed, with satisfaction, that Mr. M'Kenzie was pursuing a lawless course of conduct, which I felt it would be impolitic in me to arrest."

After giving an account of the measures taken by Mr. M'Kenzie to promote the insurrection, his armed meetings, and violent newspaper; and stating that the peaceable part of the community were loud in their demands for the

interference of government, Sir Francis proceeds to say, that he considered it better to await the outbreak, which he was confident "would be impotent inversely, as it was previously opposed."

He then continues, — "Mr. M'Kenzie, under these favourable circumstances, having been freely permitted by me to make every preparation in his power; a concentration of his deluded adherents, and an attack upon Toronto were secretly settled to take place on the night of the 19th instant; however, in consequence of a militia general order, which I issued, it was deemed advisable that these arrangements should be hurried, and, accordingly, Mr. M'Kenzie's deluded victims, travelling through the forest by cross-roads, found themselves assembled, at about four o'clock in the evening of the 4th instant, at Montgomerie's tavern, about four miles from the city.

"As soon as they had attained this position, Mr. M'Kenzie, and a few others, with pistols in their hands, arrested every person on the road, in order to prevent information reaching the town. Colonel Moodie, a distinguished veteran officer, who resided in the neighbourhood, on passing Montgomerie's tavern, accompanied by three gentlemen on horseback, was fired at by the rebels, and wounded in two places, and taken into the tavern, where, in three hours, he died.

"As soon as this officer fell, I am informed, that Mr. M'Kenzie exultingly observed to his followers, 'That as blood had now been spilled, they were in for it, and had nothing left but to advance;' accordingly, at about ten o'clock at night, they did advance, *and I was*



*in bed and asleep\**, when Mr. Alderman Powell awakened me to state, that, in riding out of the city towards Montgomerie's tavern, he had been arrested by Mr. M'Kenzie and another principal leader.

"On arriving at the city hall, I ordered the arms to be unpacked, and manning all the windows of the building, as well as those of opposite houses which flanked it, we awaited the rebels, who did not deem it advisable to advance. Besides these arrangements, I despatched a messenger to the Speaker of the House of Assembly, Colonel the Hon. Allan M'Nab, of the Gore district, and to the colonels of the militia regiments in the midland and Newcastle districts.

"By the following morning, we mustered about 300 men, and, in the course of the day, the numbers increased to about 500. In the night, an advanced picquet, commanded by Mr. Sheriff Jervis, was attacked within the precincts of the city by the rebels, who were

driven back, one of their party being killed, and several wounded.

"On the following morning, we were sufficiently strong to have ventured on an attack; but, being sensible of the strength of our position, being also aware that much depended upon the contest in which we were about to be engaged, and feeling the greatest possible reluctance at the idea of entering upon a civil war, I despatched two gentlemen to the rebel leaders, to tell them that, before any conflict should take place, I parentally called upon them, as their governor, to avoid the effusion of human blood. In the meantime, however, Mr. M'Kenzie committed every description of enormity; he had robbed the mail; with his own hands had set fire to Dr. Horne's house; had plundered many inoffensive individuals; had stolen several horses; had made a number of respectable persons prisoners; and having thus succeeded in embarking his misguided adherents in guilt, he replied to my admonition by a message, that he would only consent that his demands should be settled by a national convention, and he insolently added, that he would wait till two o'clock for my answer, which in one word was, *Never!*"

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\* In point of fact, Sir Francis Head did not act quite so inconsiderately as is here implied. It appears, by his "Explanatory Memorandum," (framed after he found that his policy, in this respect, met with little admiration at home,) that, although he "took every opportunity of making the people of Upper Canada aware that his Majesty's representative stood amongst them, as he justly described himself to the home government, 'with folded arms,' feeling confident, "that this attitude, if brought out in bold relief, would produce a stronger effect than if he had appeared everlastingly changing his position in wrestling with an ignoble agitation,"—this "attitude" was, nevertheless, intended for public effect only, as he "privately made all the arrangements in his power" to meet the storm. Constables were sworn in, &c., and he was in constant communication with the adjutant-general of militia, respecting the defence of the capital.

Sir Francis then proceeds to describe the attack which the loyalists, under the command of Col. M'Nab, marching from Toronto on the 7th of December, made upon Mr. M'Kenzie's band in its position at Montgomerie's tavern. The rebels were principally armed with rifles, and, being favoured by the buildings, made a short stand; but the militia, pushing on with a steadiness worthy of more practised troops, had no great difficulty in driving them out of their posi-

tion. A total rout ensued, and, according to Sir Francis Head, "Mr. M'Kenzie, in a state of the greatest agitation, ran away." The flag of the rebels, bearing the following inscription, "Bidwell, and the glorious minority;"—"1837, and a good beginning," fell into the hands of the conquerors.

In the meantime, the militia poured in from all quarters. From one district alone (Newcastle), 2600 men, "with nothing but the clothes in which they stood," marched, in that inclement season, towards the capital, though nearly 100 miles from their homes.

"From Niagara," says Sir Francis, "Gore, Lake Simcoe, and from various other places, brave men, armed as well as unarmed, rushed forward unsolicited; and according to the best reports I could collect, from 10,000 to 12,000 simultaneously marched towards the capital, to support me in maintaining for the people of Upper Canada the British constitution. The numbers which were advancing towards me were so great, that the day after Mr. M'Kenzie's defeat, I found it necessary to print, and circulate a public notice, announcing, 'that there existed no further occasion for the resort of militia to Toronto; and the following day, I was enabled to issue a general order, authorizing the whole of the militia of the Bathurst, Johnstone, Ottawa and Eastern districts to go and lend their assistance to Lower Canada.'

The success of the loyal militia in the engagement at Montgomerie's, was not attended with the loss of a single man. A large number of prisoners were, of course, taken, but they were instantly released, and dismissed to their

homes, and in the course of about a week, perfect tranquillity was restored, and not a man was to be seen in arms against the government in any part of the province, with the exception of the hostile aggression upon Navy Island, which will be presently noticed.

After the dispersion of his associates, M'Kenzie fled in disguise to Buffalo in the State of New York. Here he succeeded in animating the inhabitants with a strong desire to become the possessors of Upper Canada. Great numbers of men enlisted as soldiers, with the avowed object of invading that province, and establishing a provisional government. Public meetings were convened, volunteers called for (the very women inciting them to enlist), and arms, amunition and provisions, openly contributed. Nor did the so styled "sympathizers" rely entirely on the resources and the liberality of private individuals. The state arsenals were laid under contribution, and whether obtained by stealth or by violence, artillery and munitions of war belonging to the American Government, were, in the most public manner, and in the face of the American authorities, employed for the purpose of invading the British territory.

Those authorities did indeed, by proclamations and a certain military demonstration, affect to discountenance these lawless proceedings. But their display of resistance was of no effect, nor were any real impediments offered to the movement.

On the 13th of December, some hundreds of American citizens, under the command of a Mr. Van Rensselaar, took possession of a small wooded island in the Ni-

agara river, (about two miles from the falls) called Navy island, and forming part of Canada. They were supplied from Buffalo and the adjacent country with stores and provisions, and transported artillery, the property of the state, to the island without interruption.\* Their force rapidly increased, and was variously stated at from 500 to 1,500, of whom but a small proportion were Canadian malcontents. They proceeded to throw up defences, and continually menaced the opposite bank of the river.

A body of militia was posted on the Canadian side, under the command of Colonel M'Nab, who received orders to confine his operations to the defensive, and to be especially careful to avoid any violation of the American territory. It was not long before the marauders in Navy Island opened a fire of artillery upon the Canadian shore, which in that part is thickly peopled; the distance from the island being about 600 yards, and the populous village of Chippewa, within sight of it. However they do not seem to have effected much mischief.

This banditti drew the greater part of their supplies from a landing place on the American shore,

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\* Hand-bills, termed "proclamations of the provincial government," were circulated, whereby 300 acres of the most valuable lands in Canada, and 100 dollars in silver "were promised to every volunteer who might join the patriot forces in Navy Island. A reward of 500*l.* was offered for the apprehension of Sir Francis Head; and it was stated, that 10,000,000 acres of land; fertile and fair, would speedily be at the disposal of the patriots, "with the other vast resources of a country more extensive and rich in natural treasures than the United Kingdom or old France."

called Fort Schlosser, nearly opposite, but which consisted merely of a solitary tavern, with a wharf attached; this house was a rendezvous for the "sympathisers," and, as such, a place of constant resort to the adventurers on Navy Island. On the 28th of December, Colonel M'Nab received intelligence, that a small steamer, called the *Caroline*, had been hired by them for their communication with the main land. This vessel he resolved to destroy should he find her so engaged.

Having ascertained that she had made repeated passages to the island, and had even transported a piece of artillery from the shore, he despatched a party of militia in boats to take or sink her. They found the vessel moored to the wharf opposite the tavern above mentioned, and strongly guarded by parties both on deck and on shore. The militia boarded and carried her after a short but desperate struggle, and then setting her on fire, suffered her to drift in flames down the falls of Niagara. In the conflict, according to the statement of Commander Drew, R. N. who led the boarding party, five or six of the enemy were killed, and many of his own men severely wounded. This transaction occasioned considerable excitement in the United States, where the most exaggerated versions of it were at first circulated and eagerly accredited; and it was generally believed, that the crew and passengers of the *Caroline*, a peaceable and unarmed party, men, and women and children, had been butchered under circumstances of the most unprovoked aggression. But after a short time, the real nature of the affair could not be disguised; the *Caroline* seems to

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have been admitted on all sides to have been a pirate vessel ; and the only question that remained would have turned upon the alleged violation of the territory of the United States; but this the government of that common-wealth wisely abstained from agitating in a formal manner.

In the mean time, the Legislature of Upper Canada assembled, and was addressed by Sir Francis Head in a speech of great length. Two bills for suspending the Habeas Corpus act, and for trying foreigners taken in arms by courts-martial, were passed without delay.

A sufficient force was soon collected to dislodge the freebooters on Navy Island, but they declined to await an assault, and decamped on the night of the 14th of January. Upon landing on the United States territory, their leader, Van Rensselaer, was arrested and held to bail by the American authorities, who, at the same time, regained possession of the arms and stores, of which they had permitted their arsenals to be despoiled. The "patriots" now changed the theatre of the war, and while some swarming at Detroit in Michigan, and other places in the vicinity, menaced the western extremity of the British possessions, others made a demonstration of attacking Kingston, at the north-eastern end of Lake Ontario. The latter party proceeded to take possession of a little isle about six miles from Kingston, but terrified by the approach of a handful of militiamen, who were advancing against them, they fled without any affectation of resistance. Nor did their confederates at Detroit display more heroism. Having seized Fighting Island, a narrow strip of land opposite Amherstburgh, they made

ostentatious preparations for remaining. But no sooner had some British troops made their appearance, on the 25th of February, with a view to investing the island, than they hurried away, leaving behind them some arms and a quantity of stores. Another band of *brigands* were collected at Sandusky Bay, in Ohio, and afterwards threw themselves into Point Pelé Island, in Lake Erie. The troops and artillery employed to dislodge them, under the command of Colonel Maitland, were marched from the main-land twenty miles over the ice of the Lake. On reaching the land, they took up such a position as, for once, compelled the "patriots" to fight. A sharp combat ensued, in which many of their party were slain or taken prisoners. Nor did the British escape some loss, two men being killed and thirty severely wounded. In all these forays, with the exception, perhaps, of the first outbreak at Toronto, by far the greater number of the marauding party was made up of American citizens.\* It is possible that the government of the United States exerted its feeble authority, as far as it could discreetly, towards the repression of these and the like outrages. The President, and the Governors of certain of the States, issued grave and argumentative proclamations † to forbid what was carried on before their eyes, and troops were brought up to the frontier for the alleged purpose of vindicating the law of nations, while it was hourly violated within gun-

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\* It seems not to be exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie in the event of his obtaining a momentary success.

† Appendix.

shot of their military posts. At the same time the language, not merely of the journals, but of official men, was such as would lead to the conclusion that the English, and not themselves, were the aggressors. And some expected endeavour, on the part of the harassed and exasperated inhabitants of Upper Canada, to retaliate on their lawless neighbours these violations of neutral rights, was from time to time made the theme of sullen menace and invective. Had the Canadians, indeed, taken into their own hands the vindication of public law, and followed across the border those plunderers, whose rapacity was unredeemed by a single act of valour, they would only have acted as, we may be quite sure, Americans would have done, if the situation of the parties had been reversed.

On the 15th of January, Sir Francis Head informed the local parliament that, "having had the misfortune to differ from her Majesty's Government on one or two points of colonial policy," he felt it his duty, on the 10th of September last, to tender his resignation of the office of Lieutenant Governor. And he announced Sir George Arthur as his successor. Both Houses expressed themselves in terms of great regret at the removal of Sir Francis. "When this House," said the Assembly, "recalls to recollection the events of your Excellency's administration of the affairs of this province—the universal respect and confidence with which you are regarded, arising from your Excellency's firm and uncompromising adherence to the principles of the constitution, we cannot but view with alarm the disclosure now made, that your Excellency has felt yourself called upon to

resign the administration of the government on the grounds stated in your Excellency's message. If your Excellency's measures and policy have not given satisfaction to our most gracious Queen, we are driven to enquire in the most humble and solemn manner, what course of policy is expected from her Majesty's representative in this province?" Two days afterwards his Excellency received addresses from the two houses humbly praying him to transmit to them, so much of his correspondence with the Secretary of the colonies, as related to his resignation of the government. To this he replied, that nothing could be more gratifying to his feelings than to lay such correspondence before them, but that after deliberate consideration, he had come to the conclusion, that the publication of those documents might embarrass his successor, and be considered as a violation of official confidence.

The session of the Legislature was prorogued on the 6th of March. The farewell speech of Sir Francis Head, upon this occasion, was long, and argumentative. It was principally directed against the aggressions of the people of the United States, and abounded in well merited eulogy of the brave people whom he was addressing, and of the institutions which they had so gallantly defended.\* The Legis-

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\* Among the various bills passed during this session by the local parliament, in reference to the insurrection, we may, in particular, notice one, which gave rise to some important proceedings in the court of Queen's Bench at home. It enacted that upon the petition of any person charged with high treason preferred to the Lieutenant-Governor, before his arraignment, and praying to be pardoned; the Lieutenant-Governor in council should be empowered to grant a par-



lature did not separate before both houses had framed addresses to the Queen, expressive of their devoted loyalty, though not without broadly intimating their apprehensions, that the constitution was (as the Legislative council expressed itself) "in danger of being undermined by changes assented to by the Colonial department, in a mistaken spirit of concession." Two very voluminous reports on the state of the country, were also produced by the committees, to which the Houses had respectively referred the subject.

We are tempted to notice some particulars of the report of the committee of the Assembly, as conveying in distinct terms the wishes of the Upper Canadians, with respect to future arrangements. They recommend, that all the British possessions in North America should be incorporated under a legislative union, which "would place them on a level with the most powerful nations." At the same time, it is suggested, that the provincial assemblies should retain their authority in matters of purely local interest. In connexion with this point, they remark, that the Queen could not afford more grateful evidence of her desire to perpetuate the allegiance of her subjects, in that part of the empire, "than by incorporating in her royal title the distinct claim of sovereignty" over these possessions;

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don on such conditions as might appear proper, and that in case any person should be pardoned under that act, upon condition of being transported from the province, if he should afterwards voluntarily return, without lawful excuse contrary to the condition of his pardon, he should be deemed guilty of felony, and should suffer death as in cases of felony.

and they desire, that in future the person appointed to the government of these colonies should be "of high rank and distinction as a public man," with the title of "Viceroy." With respect to the union of the two provinces only, they say, that were it not that the British inhabitants of Lower Canada regard this project with much favour, "they should at once declare their unqualified dissent from it." On the other hand, they demand the annexation of Montreal to the upper province, affirming, what is undeniable, that the division of the provinces, which left Upper Canada "without an independent outlet to the ocean, was a great political error."

"The people of Upper Canada," they proceed to say, "are little interested in the opinions entertained of them by such men as Hume and Roebuck, Leader and Molesworth; they place them in the same scale with Rolph, Mackenzie, and Duncombe, in morals and politics."

They then advance some suggestions on certain more general points of our colonial administration, which are entitled to much attention. In the first place, they state it as their opinion, "that the representation of the North American colonies in the House of Commons by members chosen by themselves, would be attended with numerous and incalculable advantages." And they propose to limit the representation of the colonies to two members from either Canada, Nova Scotia, and New Brunswick, respectively, and one from each of the islands of Newfoundland and Cape Breton, to be elected "in joint assembly," by the two Houses of each province, and to continue for six months after the

dissolution of the assembly of the colony for which they are returned.

The second point on which they touch is of equally grave importance—"the inefficiency imputed by a large class of the most intelligent of their fellow subjects" to the Colonial department in England. One of the chief causes of dissatisfaction under this head they ascribe to the frequent changes that take place in that department, and the necessary incoherency of system which such changes involve. Among their concluding observations, is found one which cannot be adverted to without great satisfaction. "Recent events have shown how ardently the 600,000 inhabitants of Upper and Lower Canada, of British origin, desire to continue subject to the British Crown." A remark which is accompanied by a strong expression of repugnance to the institutions of the neighbouring republic.

We cannot dismiss from our attention this, in some respects, able state paper, without doing Sir Francis Head the justice to admit, that its authors, no less than the Legislature collectively,

speak in very high terms of his administration. This circumstance, coupled with the success which attended the experiment hazarded by that officer, when having dismissed his troops, he awaited, as he said, "with folded arms," the approach of a rebellion—makes it but an ungracious office to offer any exceptions to his conduct. It cannot, however, be disputed, that he a little misconceived his duty, in preferring the suppression of a revolt to its prevention, and in making the peace of the province subordinate to the illustration of a political proposition. It was surely in itself a serious evil, that men of peaceful occupations, and valuable to the state and to their families, should, by the withdrawal of the military, be exposed to the evils of war. Whatever advantages may have attended its successful repression, it was yet more to be desired, that an outbreak had never occurred, which not merely occasioned the sacrifice of many lives, but has awakened a spirit of rapine in America, of which the inconvenience may long be felt.



## CHAPTER II.

*Parliament re-assembles—Debates on Canada—Address to the Throne moved by Lord John Russell, who states the intentions of Government to send out Lord Durham—Mr. Hume and Mr. Grote oppose the Address—Sir R. Peel—Lord Howick—Mr. Buller—Mr. Leader moves Adjournment—Division thereon—Lord John Russell brings in the Bill for suspending the Lower Canadian Constitution—Mr. Warburton—Sir Hussey Vivian—Mr. Hume's Eulogy on Mr. Mackenzie—Sir George Grey—Sir Robert Peel's Criticism of the Bill—Lord John Russell's Explanation—Mr. Grote's notice respecting Mr. Roebuck—House of Lords—Duke of Wellington—Lord Glenelg moves Address to Queen—Lord Brougham's attack on Ministers—Lord Melbourne—Duke of Wellington—Lord Ripon—Lord Lansdowne—Lord Durham declares his views—Lord Glenelg's reply to Lord Brougham.*

**T**HE state of affairs in Canada being such, as described in the preceding chapter, Parliament reassembled on the 16th of January. Lord John Russell met the House of Commons with a proposal for a bill to suspend, for a certain time, the existing constitution of Lower Canada, and at the same time, moved an address to the throne, pledging the House to assist her Majesty in restoring tranquillity to her Canadian dominions. After a recapitulation of the principal events that had occurred since the first connexion of the colony with Great Britain, down to the report of the committee of 1828, he took up his ground on that report, which the Assembly of Lower Canada had themselves characterized, as “an impe-

risable monument of the justice and profound wisdom of the committee—an authentic testimonial of the reality of their grievances, and of the justice of their complaints, faithfully interpreting their wishes, and their wants.” Now it might have been supposed, said his Lordship, that after the people and the Government of this country had proved themselves anxious to perform—aye, more than perform, all that was asked for, and that was indicated, by the report of the committee, some satisfaction would have been produced in the minds of the Canadians, and some expression of cordiality towards the British Government might have been elicited. But the reverse was the case, as he was about to shew. On the 6th of December,

1828, the House of Assembly resolved, That on the permanent settlement before mentioned being effected, it would be expedient to render the governor, lieutenant-governor, or person administering the government for the time being, the judges and executive councillors, independent of the annual vote of that house, to the extent of their present salaries.

That, amongst the questions not particularly mentioned on that occasion, that house held, as most essential to the peace, welfare, and good government of the province, —the independence of the judges, and their removal from the political business of the colony; the responsibility and accountability of public officers; a greater independence of support from the public revenues, and more intimate connexion with the interests of the colony in the composition of the legislative council; the application of the late property of the Jesuits to the purposes of general education; a removal of the inconvenience attendant upon the crown and clergy reserves; and a diligent inquiry into, and a ready redress of all grievances and abuses that may be found to exist, or which may have been petitioned against by the subjects in the province.

Having adverted to these resolutions, Lord John Russell proceeded to state, what had been done in order to remedy the particular grievances there set forth. With respect to the independence of the judges, Lord Ripon (then colonial secretary) had fully concurred in the reasonableness of the proposal, and had himself suggested a method for carrying it into effect. But the House of Assembly, instead of following out that suggestion, tacked to the law by which

the independence of the judges was to be secured, certain provisions relating to the hereditary revenues of the Crown, and to the establishment of a court of impeachment for the judges. Now the independence of the judges was simply, and of itself, a positive good, and the annexation of perplexing conditions was a pretty good proof that it was not their wish to rid themselves of the grievance complained of. With respect to the accountability of public officers, Lord Ripon had also proposed a measure, which the House of Assembly would not allow to pass, though it was planned with a view to secure the most beneficial results.

As regarded the subject, on which the widest difference between the Assembly and the Imperial government had existed, no opposition had been offered to the terms of the Assembly's resolutions. The judges were forthwith informed, that, with the exception of the chief justice, it was no longer desirable that they should sit in the legislative council; and a number of persons, for the most part of French extraction, were added to that body, totally independent of the crown, and giving a great majority in the council to those who were unconnected with the government. The Assembly might, indeed, say, that they were none of them persons agreeable to their wishes, or acquainted with their wants, but the question was, whether they were not independent of office, and closely connected with the interests of the colony. Of the forty members of the council, not less than eighteen were French Canadians; many of the members of English origin had quitted the province, and but seven

remained in official connexion with the government. As to the property of the jesuits, it had actually been ordered to be applied to educational purposes, and the only grievance connected with that point now remaining, was, that the estates had been leased to persons other than those whom the Assembly desired to see in possession of them.

Another question related to the crown and clergy reserves. Lord Ripon had declared his readiness to put an end to the old system, and only differed from the Assembly, in wishing to prevent an undue facility from being afforded to poor and improvident purchasers of the waste lands.

The next grievance arose out of the much-contested question of the duties, collected under the earlier acts, and which the Crown had, according to law, the right of appropriating. The committee of 1828 had been of opinion, that these duties should be submitted to the appropriation of the Assembly, but they recommended, that this measure should be accompanied by a permanent settlement for the salary of the judges and other functionaries. Government, however, had, in 1831, carried a bill through the Imperial Parliament, which entirely repealed the power of appropriation by this country, and left it to the Assembly—without condition—without stipulation, to dispose altogether of those duties.

They made but a poor return for these concessions. In the year 1833, a supply bill passed the House of Assembly, containing the most unusual conditions, and providing, that the persons holding certain offices should not be allowed salaries, unless they relinquished

other offices. This bill was rejected, on the ground, that these propositions were tacked to a money bill, which, therefore, as a matter of supply, could not be passed in that shape.

In 1834, continued the noble Lord, the Assembly adopted a new course, which had led to the present difficulties. It passed ninety-two resolutions, some of grievance, some of eulogy, some of vituperation, and amounting, in the whole, to a long and vehement remonstrance, and after spending an entire session in framing it, it separated without passing any supply bill whatever. At this period, the more able and respectable of the party in opposition detached themselves from their former associates, whose violent and aggressive policy disgusted them. Since that time, no supplies had been voted. Sir Robert Peel, in the meantime, became prime minister, and proposed to send out Lord Amherst, not merely as governor, but also as commissioner to investigate and redress grievances. That appointment was defeated by the dissolution of the right hon. baronet's administration.

After making mention of the appointment of Lord Gosford's commission by the present government, Lord John went on to observe, that the demeanour of the House of Assembly remained unaltered, and during the years 1835, 1836, and 1837, the supplies were refused, except on one occasion of a vote for six months, given in so objectionable a manner, that it could not be sanctioned.

The noble Lord then stated the strong objections which he felt to an elective legislative council, which would only represent the passions and violence already ex-

isting in the assembly. The evils which would attend the responsibility of the executive council, to the assembly were still greater, and would at once derange the relation in which a colony should stand towards the imperial government.

Lord John then gave an outline of the intended bill, and proceeded to state what sort of person, in his opinion, should be sent out, in order to carry it into effect. "I think" said he, "it is most important that the person to be sent from this country should be one, whose conduct and character should be beyond exception, a person not conversant solely with matters of administration, but with the more important affairs which are brought before parliament. I think he should also be conversant with the affairs of the various states of Europe; and moreover that it should be implied by his nomination, that we were not at all opposed to opinions the most liberal, and that we were favourable to popular feelings and popular rights. Having said thus much, I know not why I should refrain from adding, that her Majesty has been pleased to intrust the conduct of this affair to one, whom her advisers think in every respect fitted for the charge, namely, the Earl of Durham—and that noble Lord having accepted the office, will proceed, in due time, to perform its important duties."

Lord J. Russell concluded by declaring, that although, in his opinion, a time might arrive when he would not be indisposed "to give the 1,400,000 of our present fellow subjects, who are living in the provinces of North America, a participation in the perfect freedom enjoyed by the mother country," he thought that the day for separation was still at a distance.

Mr. Hume followed in the debate, and entered at some length into a recapitulation of the past and present grievances of the Canadians. The blame of all that was now passing he laid upon the government, and he expressed "his deep regret at the course which the noble Lord had proposed to the house." In the course of his speech, the following remarkable declaration escaped his lips "*it was not the man who shed blood, but the man who stimulated him to shed it, who was the guilty party.*"

After a few words from Sir James Carnac, Mr. Grote addressed the house. He could not, he said, acquiesce in the proposed address, nor could he concur in the argument adduced to support it; for if that argument were good for anything, it gave conclusive proof of the wisdom of an early separation. If the best system had been pursued in the government of the colony, if so much had been done, and there was nothing to mend nor to improve, what hope could they have for the future, when, even in the most favourable circumstances, matters had become worse and worse, till they terminated in open revolt? But he was not driven to this conclusion, since he thought there was much to blame in our system of colonial government, both in Canada and elsewhere. The responsibility of the failure of the measures which had been taken to adjust the financial disputes, he threw on Lord Ripon. Not content with advancing a claim to the appropriation of the casual and territorial revenues to the purposes of civil government without the consent of the House of Assembly—a claim made by former governors—that noble Lord had thought fit to propose to make them over to the clergy;

a step, which, being considered no less novel than preposterous, only embroiled matters still further. Nor had the other disputes been met with a fairer disposition than the financial. Had they only placed the legislative council in harmony with the feelings of the people, they never would have heard of an elective [council. Was it so very difficult to lay their hands upon fit men? From the tone in which the noble Lord had treated the question, and the entire absence of all conciliation which marked his conduct, he foresaw a long series of increasing embarrassments. Ministers should, however, recollect that to put down by force, was not to eradicate discontent. As to the bill proposed by the noble Lord, he meant to oppose it in every stage. He could see no benefit to be gained from severity and coercion. To govern a colony tranquilly, the people must be animated with a feeling of respect towards their governors, and he was sure that coercion would redound neither to the profit nor the honour of the country. For those reasons he must oppose the address.

Sir Robert Peel prefaced his speech by some strictures on the conduct of ministers, in omitting to make a direct and formal communication to both houses of parliament, by a message from the Crown on this subject; a very reprehensible, as it was an unprecedented deviation from established practice. Then, having protested against the doctrine that the manifestation of a rebellious spirit on the part of a colony was a reason for releasing it from its allegiance, —a principle, which he argued, if applicable at all, must be universally so, and no less at the service of the Isle of Wight, than of Ca-

nada; he entered upon the main subject under discussion. He promised his "cordial" consent to the address, because this country had acted with justice and liberality towards Canada. It was impossible indeed to deny that Canada had occasionally just grounds of complaint, but of late years, the affairs of that colony had been regarded as of essential importance, and he had never known an instance in which a mother country had manifested a greater desire to do justice to her dependency. But in supporting the address, he begged that he might not be understood to place confidence in ministers, or to be satisfied with their past conduct. Measures of precaution had, in his opinion, been neglected; after the resolutions of the last year, it might surely have been suspected that some such result as we have seen would have followed. Could anything be more delusive than the hope, that quiet and satisfaction could arise from those resolutions? The military force in the colony should have been immediately increased. He agreed with Mr. Hume's observation, that the blame rested with those who had drawn an innocent and harmless people into a hopeless insurrection; and reminded that gentleman of a letter which, in the year 1834, he addressed to Mr. Mackenzie in Upper Canada, and which contained the following passage—"your triumphant election of the 16th, and your rejection from the assembly of the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction. The proceedings between

1772 and 1782 in America, ought never to be forgotten ; and to the honour of the Americans, and for the interest of the civilized world, let their conduct and the result be ever in view." "Surely," said Sir Robert, "Mr. Mackenzie might say," I acted on the authority of the hon. member for Kilkenny ; visit not therefore this delusion and its consequences upon me, the mere agent and instrument of the hon. gentleman, but rather visit it upon your own member, to whom I gave credit as being then the representative of a metropolitan county."

In replying to these remarks, lord Howick laboured to shew, that the government was not culpable in omitting to back their resolutions of March 1837, with a military force. "Regiments" he said were not necessary to put down meetings, they could not stop speeches, nor prevent the adoption of resolutions ; neither could troops obtain juries to convict men for seditious practices." On the contrary, one additional regiment, introduced from Halifax, served greatly to increase the existing discontents. Was it not obvious, that if an armed force was not immediately wanted, its arrival, before the insurrection actually took place, would only have extended the exasperation against the government ?

Mr. Charles Buller having ridiculed the stress laid by Sir Robert Peel, on the departure from precedent in the omission of a message from the throne ; said that the law should be vindicated, and the insurgents put down without parley, unless we were prepared to consent to a separation, and to leave Canada to itself. For his own part he thought that there was not a

shadow of ground for separation. We could not with any regard to the interests of the colony, consent to abandon it. But we ought to comply without delay, with all the just wishes of the Canadians, and the sooner lord Durham repaired to a place, where he was much wanted, the better would it be for all parties.

Mr. Leader complained of being taken by surprise, and offered the government the alternative of adjourning the house, in order to give his friends and himself an opportunity of considering what course they should take, and also of refuting "the many fallacies contained in the noble Lord's speech"—or of encountering a direct negative to the address. His Lordship, probably considering this threat as by no means an alarming one, pressed for the decision of the house, which, divided on the question of adjournment moved by Mr. Leader, Lord John remarking, that he should conclude that those, who supported the amendment, meant to give a negative to the address. A construction which several members, with some reason, protested against.

On the division there appeared—Ayes 28: Noes 188: Majority against the amendment 160.

On the following day, the new bill was presented to the House of Commons, by Lord John Russell. The leading object of it, as stated by him, was to enable the Governor-general and council, (that council not to be limited in number, but of which five should be a quorum)—on the motion of the governor, to pass any laws which might be considered necessary, during the present suspension of the legislature of the province. In addition to these means for



suppressing the insurrection, the Governor-general would be authorized to grant a general amnesty. The powers conferred by the bill were to be vested in Sir John Colborne, till the arrival of Lord Durham. With respect to the future government of the province, it was the intention of ministers, that the Governor-general should be invested with power to convene a certain number of persons, namely three from the legislative councils of each of the two provinces, and ten "representatives" from each, to form a council, to concert with the Governor-general, as to the measures which might be deemed advisable for the adjustment of the affairs of the two provinces. This was a power that might be given by the prerogative of the crown alone. The persons to be named from the legislative councils would be chosen by the Governor-general, while those "who were to be convened, having a representative character," might of course be taken from the Legislative Assembly; but as in Lower Canada it was almost impossible that the Assembly could be brought to act beneficially, it would be competent to the Governor-general, both in the Upper and Lower province, to hold elections for persons, amounting to twenty in the whole, to concert with him upon the general state of affairs.

Upon this occasion, Mr. Ward censured the conduct of the Canadian insurgents, who had by their violence put themselves in the wrong. At the same time he found fault with the resolutions of March, the effects of which nevertheless had been only what he anticipated. He was ready to give his warmest support to the

plan now proposed by the government, because it was founded on enlarged principles, combining justice to the Canadas with a due regard to the honour and rights of the crown. When he considered the recent conduct of the Canadians, he saw no great objection to the suspension of a constitution, upon which, as their actions proved, they set so little value. The measure adopted by England, of appointing a convention with a view to an amicable adjustment, "was one of the greatest moral triumphs ever achieved."

Mr. Warburton next followed in a very sensible and temperate speech, though of course tinged by his peculiar doctrines. He began by remarking, that when he last addressed the house, on the subject, he had been reproached (though he took it as a compliment) with coming to the discussion with as much composure, as he would bring to the consideration of a bill regulating weights and measures. He only desired that the question might be approached by others in the same temper. What he wished was, to look at the present state of the Canadas, and not to what it had been. There was no use in retribution. He was glad to believe that the insurrection was put down, though he could not quite agree in the unqualified praise bestowed on the officers engaged in the conflict. In his opinion, there had been undue severity in the military measures; he understood that houses and barns had been burnt, not only in the heat of action, and under immediate provocation from the fire of the inmates, but afterwards. He then, after repeating his condemnation of the rebellious conduct of the Canadians, pro-



ceeded to touch upon their present grievances. Among the principal, not already adverted to, he reckoned the land company. Its powers were too extensive; there was no boundary to the domain over which this company might exercise its influence, nor any chance of its property being limited within any given period of time. With respect to the suspension of the constitution, it behoved them to remember, that there was a liberal party attached to the Crown, and which had, since the redress of the grievances, stated in the report of 1828, separated itself from the mal-contents. Care should be taken not to estrange from the side of the government, that moderate, but liberal party.

Mr. Warburton, then declared, that he differed from Lord John Russell, who seemed to doubt whether the period for the emancipation of the colony had arrived. It was not the part of a wise statesman to wait till a separation should be extorted, but rather to watch the progress of the colonies towards independence, and to take such measures as should render it likely, that, when that event did come to pass, it should be attended with the smallest quantity of evil, and the greatest good to the mother country. The growing power of the United States was a just subject of apprehension, and he should be glad to see all our North American colonies collected into one independent confederation, for the purpose of balancing that power, which at no distant period might require such a counterpoise.

In the course of the debate, Sir Hussey Vivian took the opportunity of striking a severe blow at Mr. Hume. The hon. member, said Sir Hussey, had constantly stated

in that house, that he had foretold this revolt. No man certainly had a greater right to foretel it. It was not long ago, that a man of the name of Martin foretold that York minster would be burnt, and so it was, for he went and set it on fire himself. In the same manner, had Mr. Hume taken measures for the fulfilment of his own prophecy.

This sally called up the member for Kilkenny, who, in a very long speech, defended his own conduct, pronounced a panegyric on Mr. Mackenzie, and took Sir Robert Peel severely to task for speaking of that individual as "*a Mr. Mackenzie.*" "True," said Mr. Hume, "he is *a Mr. Mackenzie*, but there is also *a Sir Robert Peel.*" He would venture to say, that Mr. Mackenzie, though he had become a rebel, was a distinguished man,\* who, had he been successful, would have been called a patriot. Gentlemen were becoming "*very mealy-mouthed*," when they came to speak of resistance, and seemed to forget that there had ever been a revolution. How did the House of Hanover hold their seat on the throne? How did the King of the French and the King of the Belgians hold theirs? Let hon. members mark what *a Mr. Pitt* said upon a similar occasion, "We are told that America is obstinate—that America is almost in open rebellion; Sir, I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty, as to submit to be slaves, would have been fit to make slaves of the rest." This was the language then held by the Whigs.

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\* We refer our readers to the preceding chapter for an outline of "this distinguished man's" exploits.

Sir George Grey, (the under-secretary for the colonial department), contrasted, with much satisfaction, the tone and temper which had pervaded the debate, that evening, with that, which had characterised the discussion of the same question, before the adjournment of the house. In reply to some doubts, which had been raised by Mr. Hume with respect to the loyalty of the other North American colonies, he cited facts to prove that the best possible spirit existed in Nova Scotia and New Brunswick. Of Lord Gosford's administration he spoke highly, affirming that his conduct had shewn him to be a man of honour and firmness. When that noble lord resigned, the Government stated to him, that although the tranquillity of the colonies might require some new line of policy, and the adjustment of their affairs ought to be entrusted to other authority, yet he retired with the fullest approbation of his sovereign.

Sir Robert Peel began by observing, that to so much of the bill as suspended the constitution of Lower Canada, and made provision for the temporary administration of the government, he should not object; but he confessed that he did not understand its other provisions, as they were explained by the noble lord. He particularly hoped that gentlemen, on either side of the house, would consider well that part of the measure, which called together the assembly, described as a convention of the Estates of Upper and Lower Canada. He doubted the policy of this proceeding, at least in the lower province, where different parties were in a state of exasperation. In the upper province, there might be no great difficulty in

getting proper persons chosen; but, after suspending the existing constitution of Lower Canada, how could they get representatives from the assembly of that province to attend the convention? Was it intended to give to the governor the power of nominating individuals to attend in that capacity; or was he to determine the districts and the class of persons to whom the duty of electing representatives should be confided; or was he to indicate the persons qualified to be chosen? In any one of these cases it would be a mockery of representation. It would behove them to guard against such a precedent, clothed, as it was, with a character of liberality, which it did not possess. Anxious as he was to provide for the future good government of the Canadas, when the proper time came, he was bound to say, that nothing could be more impolitic than the premature consideration of the subject.

In this part of his observations, it appears that Sir Robert Peel had misconstrued Lord John Russell's meaning—an error which the ambiguity of the noble lord's expressions rendered excusable. For Lord John explained, in his reply, that the provisions with respect to the “representative” councils were not to be embraced in the operative part of the bill. The attorney-general, on being consulted, had given it as his opinion, that it was superfluous to frame enactments for the purpose of enabling the Crown to perform what was already within its prerogative. It had, therefore, been mentioned in the preamble that such instructions had been furnished to the governor, who might, by virtue thereof, summon this “convention of estates.” Whatever, therefore, was proposed

to be done, concerning the constitution of the assembly in question, would be contained in the instructions. With respect to the framing of the assembly, he further stated, that the governor would not be empowered to nominate the members, but merely to call together the "committee of advice" for the purpose of considering the subject. Should the governor find, what was not likely to be the case, that great excitement continued to prevail in the province, and that the convention would but aggravate existing evils, then it would become his duty to withhold his sanction from its assembling. On the other hand, if, in the exercise of his discretion, he should think fit to convene this body, it would, of course, be impossible to allow the assembly of Lower Canada to depute members to it. The noble lord, however, still thought "that adequate provision should be made and devised for choosing this body, and that elections should take place, in which persons could be chosen to represent Lower Canada." Such a body, if convened, after the existing disputes had been terminated, would be able amply to deliberate on the matters submitted to their consideration, and the result of their labours would naturally have great weight with Parliament and the country. Before he sat down, Lord John Russell expressed the fullest approbation of Lord Gosford's conduct in the administration of the government.

Sir Robert Peel, in explanation, remarked, that he could not imagine, that there were ten men in the house, who had not inferred, from the first speech of the noble Lord, that the proposed bill went to authorize the governor to call together a committee from both

Canadas, having a *representative* character. It now appeared, that nothing more was intended than to give instructions to the governor, by the exercise of the royal prerogative, to call a certain number of gentlemen together, to advise with him. If that were all, there could be no objection; but what he did object to was, any step on the part of Parliament, giving a formal and authoritative character to such a committee.

Lord John Russell replied, that the preamble of the bill would recite, that such instructions were given to the Governor; any clause in the bill authorizing the measure, would be, he considered, superfluous.

On the same evening, Mr. Grote presented a petition from Mr. Roebuck, (who it will be remembered was no longer a member of Parliament,) praying that he might be heard at the bar, in defence of the House of Assembly of Lower Canada, and in opposition to the ministerial bill. The petition set out resolutions of the Assembly appointing Mr. Roebuck agent of the province. Mr. Grote also supported the application by precedents.

Lord John Russell thought, that the house should be allowed time to consider the precedents. With respect to the agency of Mr. Roebuck, he did not then wish to give an opinion; [here Mr. Grote remarked, that he had been appointed by the Assembly.] but instructions had been sent by the Secretary of State in this country, for the introduction of a bill, by which the House of Assembly, with the assent of the legislative council and the Governor might appoint an agent. No such bill, however, was passed. He left the matter with the house. After some further

conversation, in which Sir Robert Peel expressed himself in favour of the motion, Mr. Grote gave notice that he should call the attention of the house to the subject, on the 22nd. instant.

There had been some preliminary skirmishing, on the 16th., in the House of Lords, relative to Canadian affairs, in the course of which the Duke of Wellington, after expressing his hopes, that ministers would call upon Parliament for the means of bringing the war to a certain and speedy conclusion, emphatically observed that, "a great country, like this, could have no such thing as a little war." On the 18th. Lord Glenelg brought the subject before the house, by moving an appropriate address to the Queen. The noble Lord seemed to consider that the main cause of the disturbances, which prevailed in Lower Canada, might be found in the division of the two races which inhabited the province—a division which circumstances had not mellowed but embittered, and which had given rise to more heart-burnings than any political events of the time. The numerical majority, about 400,000, returned a preponderating proportion of the members of the Assembly; and the consequence was, that the predominant race excluded the other. It might be fairly said, that the entire Assembly, thus composed, were attached to the obsolete notions of former times. They were unfriendly to commerce and to education; and therefore not very friendly to the prevailing characteristics of the English race. The leaders of that body acted with little responsibility to their constituents, who, though an amiable and virtuous race, were yet very ignorant and little fitted to appreciate the blessings bestowed

upon them by the constitution. Their leaders had the advantage of fighting for obsolete notions, with the weapons of popular institutions; while those, who were favourable to real improvement, and combined wealth with intelligence, were compelled to resort to the aristocratic party, and were driven to the use of weapons which did not suit them. He contended that the proper course to be taken by this country was, to act in a mediatorial capacity between the contending parties.

His Lordship then adverted to the intended bill. With respect to ulterior arrangements, he saw great difficulties in the way of a legislative union between the two provinces, but thought that considerable advantage might be made of a federal union. Upon the charge advanced against government, that they had an inadequate force in Canada, he observed, that he was not prepared to admit the fact of that inadequacy, since the insurrection, had been suppressed by the existing force. In March last, he had announced to Lord Gosford the intention of government to send out two more regiments to Canada, and in a subsequent month, he informed him, that such intention had been abandoned. But in the same despatch was contained a letter for the governor of Nova Scotia, requiring him to furnish Lord Gosford with what troops he might require. The charge, then, was simply this, instead of sending out troops direct, they were drawn from the other provinces. Lord Gosford, after communicating with Sir John Colborne, had declined to avail himself of this power. Three months afterwards he had recourse to it, to the extent of one regiment only, and late in November, he applied

for a farther addition. From this Lord Glenelg argued that till the month of November there was no necessity for troops, beyond those which, in the neighbouring provinces, were within the reach of the government. Besides, he thought that it would have been most impolitic, and an admission of conscious severity, to have accompanied the resolutions of March by an overwhelming force.

Lord Brougham followed Lord Glenelg with a speech, which, for its impetuosity, its classical elaboration of diction, and above all, its fierce and merciless sarcasm, is perhaps exceeded by none of his former efforts. He began with the most unsparing ridicule of Lord Glenelg's despatches, which, it must be owned, were a little open to it. "My Lords," said he, (speaking of the situation in which Lord Glenelg's epistolary delinquencies placed Lord Gosford) "mark, I beseech you, in what a position he is left. Sent to the advanced posts of the empire, at a distance from the seat of government—far removed from the wisdom, the vigour, the resources of those councils, which rule our affairs—unprovided with any but the ordinary force of the colony, to meet a crisis brought on by his employers—mark, I say, the helpless position of this noble person, so unaided by any adequate resources, so surrounded by perils, and instead of being instructed how he is to act, told by those who first created those very dangers, and at the same time refused him help to meet them—that at a future day he shall be informed how he is to comport himself; that for the present he is to know nothing; and that he may be making up his mind by guess work how he shall act, when

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he may be told what he shall do! Look, again, to the provinces committed to his care. If you will have dominions in every clime—if you will rule subjects, by millions, on the opposite sides of this globe—if you will undertake to administer a government that stretches itself over both hemispheres, it is well—I ask not whether its fruits be auspicious or baneful—I stop not to enquire, nor do I raise the question, whether to the distant millions, over whom you thus assume dominion, this mighty and remote sceptre be a blessing or a curse. But of one thing I am absolutely certain, that, at all events, this resolution to retain so vast an empire imposes on you the paramount duty of wakefulness over its concerns—it prescribes the condition that you shall be alive to its administration—that you shall not slumber over it, neither sleep, nor like the sluggard, fold the hands to sleep, as if your orders were issued in a kingdom, where they could be executed on the spot, and in the manner in which they were conceived and framed. That is the condition upon which such mighty empires must be holden—that is the difficulty which exists in the tenure—hard to grapple with, perilous to be possessed of—not wholesome, it may be, either for the colony or the parent state, should they long remain knit together." In another part of this animated speech, after directing the most glowing invectives against the ministerial policy which had provoked the Canadians by outrage, and yet taken no step, by way of precaution against the inevitable effect of the outrage offered, he exclaimed, "Tyranny and oppression have here appeared stript of their instinctive apprehension, and habitual circum-

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spection. Compared with the conduct which we are now called on to contemplate, the most vacillating and imbecile, the most inconsistent and impotent rulers rise into some station commanding respect. King John, or Richard Cromwell himself, become wise, politic and vigorous princes."

"It would, indeed," continued the noble and learned Lord, "seem, that just about this time some wonderful change had come over the minds of the ministers, depriving them of their memory, and lulling even their senses to repose. Could this have arisen from the deep grief into which my noble friend and his colleagues were known to have been plunged by the decease of their kind and generous master? No doubt that feeling must have had its day—or its hour—but it is not in the nature of grief to endure for ever. Then how came it to pass that the trance continued? Oh, doubtless its pleasing endurance must have been caused by the elevation of their late master's illustrious successor, prolonging the suspension of the faculties which grief had brought on, but changing it into that state inexpressibly delicious, which was directed to the circumstances, so interesting, of the new reign." After this outburst of metaphor, the noble and learned Lord went on warmly to advocate the cause of the Canadians, expressed his desire to see an amicable separation, and protested against coercive measures. He took the same view of the proposed 'representative' convention, that had been put forward by Sir Robert Peel, contending that it must either be composed of men exactly similar to those who constituted the majority of the Assembly; or that, if a semblance of consulting

the people was all they meant to give—if under pretence of calling them to their aid, they excluded the men of the people's choice, and only took counsel of creatures of their own, such an intolerable mockery would avail them nothing.

Lord Melbourne spoke of Lord Brougham, as having "poured forth a most laboured and extreme concentration of bitterness." Having made some comments on that part of the argument which related to the despatches, he came to the point, which he admitted to be the most pressing in the whole case, viz.; that it was the duty of ministers to have provided against the possibility of an outbreak, by increasing the military force of the colony. It certainly was a difficult question which they had, at the time, to decide. By not reinforcing the troops they ran the hazard of what had in fact occurred; but on the other hand, had a considerable force been sent out, there would have been an end to all chance of an amicable termination of the disputes; it would have been instantly said, that we were filling Canada with troops, and thus manifesting a fixed intention of putting down public opinion by main force. "My Lords," said his Lordship, "I have fairly stated both sides of the question, and there is no point in the case which imposed upon me a greater difficulty than this intricate question. We decided according to the best of our judgment; and I do most sincerely trust that no irreparable mischief is likely to occur from the determination we came to."

The Duke of Wellington took the objection of form, which Sir R. Peel had pressed in the other house, and thought that the proceedings should have originated in



a message from the throne. His Grace proceeded to state that he was almost the only individual, who, in 1831, voted against the bill for surrendering unconditionally the duties of 1774. His opinion then was, that the bill ought to have contained a clause providing for its repeal in case provision were not made by the House of Assembly for granting the civil list, and for the maintenance of the civil government, and he now believed, that the omission of such a clause was the cause of all that had happened, from that time to the present. With respect to the military force, the Duke observed, that he must do ministers the justice to say, that he could not blame them for not having taken more active measures; for he happened to know several persons, particularly officers, well acquainted with these provinces, and who had been concerned in their government, and he might safely assert, in his place in parliament, that he had received the opinions of those officers, that there was not, in the preceding summer, the smallest reason to apprehend anything like insurrection in Lower Canada. But at the same time, he was bound to say, that he could not understand why, when ministers had found it expedient to move troops from Nova Scotia, and New Brunswick into Canada, they did not despatch fresh troops to supply the vacancy thereby occasioned.

It was admitted by Lord Ripon, the next speaker, and who was the author of the bill of 1831, that the Duke of Wellington had, when that measure was proposed, predicted, that the legislature of Lower Canada would readily accept the boon, but would withhold a civil list. That prediction had

been fulfilled; and he would confess that, on that occasion, he (Lord Ripon) had acted more or less under the influence of an imprudent confidence. That confidence had been betrayed by the House of Assembly in Lower Canada. Not that he could assert, that, in so many words, they had made a pledge, but taking men's meaning as to the course they would pursue from the language they used, no man of honour and honesty, after reading the resolutions and addresses adopted by the House of Assembly from time to time, could doubt that they did lead Government to believe that, when once in possession of the royal revenues, they would provide for a civil list. How had Upper Canada acted? At that moment, that province was in the enjoyment of its share of the royal revenues, and the governor, the secretaries, and the judges, of the colony, were in the enjoyment of an income quite independent of the annual vote of the House of Assembly. With respect to the conduct of Government, he felt obliged to condemn it; he thought that they had neglected to take proper precautions, in not having on the spot a military force sufficient at once to crush any rebellion.

The Marquess of Lansdowne applauded the candid terms in which the Duke of Wellington, in a way which did him infinite honour, and in the spirit in which he was always desirous to give efficient support to government in such emergencies, had expressed his opinion on the military part of the question. He remarked, that Lord Brougham had not once, in the course of his three-hour speech, adverted to what constituted the gist of the matter—namely, that

all the early demands of the House of Assembly had been conceded, and that it was now under the influence of a party, who had since raised the most unreasonable claims.

The Earl of Durham said, that it was impossible for words to express the reluctance with which he had undertaken the arduous task, and incurred the awful responsibility, which he knew must await him in his endeavours to execute the objects of his mission. Nothing but the most determined devotion to her Majesty's service, and the welfare of his country, could have induced him to place himself in a situation, in which he much feared he should not answer either the expectation of his friends or of the nation. He believed, that it would be his duty, in the first place, to assert the supremacy of her Majesty's government, and to see that the law was carried into execution. Having effected that essentially preliminary object, he should consider, without reference to party, British or French (indeed, he knew no French), that he ought to extend protection to all, to give justice to all, and to shield as much the local rights of the proprietors of the soil, as the great commercial interests, which more affected those who were called the British settlers. He should not proceed to Canada for the purpose of suspending the constitution, as had been said, but to provide for the extraordinary state of things which had been produced by those whose rebellious acts had made the operation of the constitution impossible. Great and dictatorial as the powers were, with which he was invested, he should be anxious to lay them down at the earliest possible time. He should endeavor to execute, as

speedily as possible, this highly honourable, but most difficult and dangerous mission. As far as regarded the principal province, it would be his wish to effect such a kind of settlement, as should produce contentment and harmony amongst all classes, and to leave behind him such a system of government as might tend to the general prosperity of one of the most important portions of her Majesty's dominions. Could he accomplish such an object, he should deem no personal sacrifice too great. "I feel, however," continued the Earl, with an apparent foreboding of what was to ensue, "that I can only accomplish it by the cordial and energetic support, a support which I am sure I shall obtain, of my noble friends, the members of her Majesty's cabinet; by the co-operation of the Imperial Parliament; and, permit me to say, by the generous forbearance of the noble lords opposite, to whom I have always been politically opposed. From the candour and generosity which have distinguished the noble duke's remarks this evening, as well as upon other occasions, I trust that he, and those who think with him, will give me credit for the good intentions which I feel, and will only condemn me, if they find my actions such as shall enable them, consistently with their own character, to find fault."

Lord Glenelg rose to bring the debate to a close. The fierce denunciations of Lord Brougham seemed to have communicated to his eloquence an asperity akin to that of the philippic which provoked his resentment. Certain it is, that Lord Glenelg, on this occasion, expressed himself with unusual impetuosity, and, by his passionate

retaliation, bore testimony to the chastisement which had been inflicted. Lord Brougham, with his usual eccentricity, had no sooner concluded one of the most vituperative speeches ever delivered within the walls of Parliament, than he left the house; depriving his antagonists, to a certain extent, of the opportunity of reply, since, of course, whatever they said, either by way of argument or retort, would lose half its effect in his absence.\* Lord Glenelg com-

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\* It is due, however, to Lord Brougham to say, that, on a subsequent evening, in explanation of this discourtesy, he stated, among other less valid excuses, that, on the evening in question, "he

plained of this, "as he would have been glad to have returned his thanks for this the first testimony of his friendship with which he had favoured him." His Lordship then rather happily availed himself of the contrast afforded by the conduct of the Duke of Wellington, when placed in juxtaposition with that of the noble and learned lord; and commented, in eloquent terms, on the duke's candour and magnanimity.

The address was then agreed to.

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was only partially and slowly recovering from a severe indisposition; and had been desired, in this weather, not to expose himself at night."

## CHAPTER III.

*Debates on Canada continued—Discussion as to hearing Mr. Roebuck—His speech—Mr. Hume moves that the Bill be read that day six months—Sir G. Grey—Lord Francis Egerton's comments on the Despatches—Mr. Leader—Mr. Pakington's Appeal in favour of the Church of England in Lower Canada—Sir W. Molesworth—Mr. E. L. Bulwer warmly supports Ministers, and attacks the Radicals—Rebuked by Mr. Grote—Sir E. Sugden—Mr. Labouchere—Mr. Gladstone—The Chancellor of the Exchequer—Sir Robert Peel—Lord John Russell's Defence of his Measure—Division—"Verbal amendments" in the Bill—Their important character—Mr. Warburton's Speech—Mr. E. Ellice interposes on behalf of Ministers—Discussion concerning the Preamble of the Bill—Ministers abandon the preamble—Sir Robert Peel's triumph—He attacks the Instructions—Mr. Harvey ridicules the Ministers—Lord Howick—Mr. Hume compliments Lord Howick—Discussion on the restrictive clause of the Bill—Sir W. Follett's amendment—Bill read a third time—Debates in the House of Lords on the Bill—Lord Brougham and Lord Melbourne—Apology for Sir Francis Head—Mr. Roebuck heard at the bar—Lord Ellenborough and Lord Fitzwilliam oppose the Bill—Bill passes the Lords—Protests—Substance of the Bill.*

ON the 22nd., Mr. Grote, according to notice, moved that Mr. Roebuck be heard at the bar, on behalf of the Assembly of Lower Canada.

Mr. Gladstone, while disposed to recognize the advantage of hearing Mr. Roebuck, said, he felt it to be his duty to protest against any acknowledgement by the House, of that gentleman, as agent of the Assembly. On the previous evening, Mr. Grote had appealed to the case of Mr. Lymburner, in 1791, but that case differed from the present in two particulars. In

the first place, Mr. Lymburner represented the whole province, or at least, interests common to the whole province, and there was no difference or dissension at the time; the second and more important point, however, was, that Mr. Lymburner had been especially deputed by the community, or a large portion of it, for that one particular occasion, whereas Mr. Roebuck relied merely on his title as general agent. Now, Mr. Gladstone said, he was not aware of any constitutional right or privilege of colonies to appoint agents with powers of this general descrip-

tion, and, if allowed in practice, it must lead to interminable confusion.

Perhaps, however, a better argument was derived by Mr. Gladstone, from the inconvenience that must arise upon the recognition of an agent representing but one branch of the legislature, since a similar privilege could not be refused to the other, and thus the colonial office would be distracted by the competition of co-ordinate and conflicting pretensions.

Lord John Russell, on the other hand, was of opinion, that to hear Mr. Roebuck in his individual character, would be a precedent leading to worse consequences than the other deprecated by Mr. Gladstone. It would open the way for any private person hereafter to say, "I take great interest in the affairs of a certain colony, or of a certain bill, and therefore I request to be heard at the bar of the House."

Lord Stanley also, though he concurred in the expediency of granting Mr. Roebuck a hearing, was struck with the technical difficulty involved in that concession, but attempted to pacify his scruples by declaring, that he heard him under protest, and by no means as a matter of course. After a few sensible remarks from Sir George Grey, on the inexpediency of wasting any more time in discussing a matter of such subordinate importance, the motion was acceded to.

On the motion of Lord John Russell, the Lower Canada Suppression Bill was then read for the second time. After which, Mr. Roebuck proceeded to address the House from the bar. As might be expected, the learned Gentleman's speech, on this occasion, amounted to little more than a

recapitulation of former statements and allegations. In conformity with his usual practice, he confounded present grievances with such as had ceased to exist, and managed, in this manner, to make out a formidable catalogue of complaints. Mr. Roebuck's style of oratory possesses one remarkable characteristic in respect of which he stands almost alone amongst our public speakers. Far from seeking to propitiate his audience, his first care seems to be to select such topics as are most likely to prove generally offensive to its temper and its prejudices; the ground of this peculiarity is probably to be sought in the fact, that his speeches are less addressed to his immediate hearers, than to a circle whom they reach through another channel; but, at any rate, it accounts for their comparative inefficiency in the House of Commons.

We shall be content to select one passage from his vehement harangue.—"Sir, I am not one of those who have been in the habit of deserting a friend in need. In his most prosperous days, I have thought myself honoured by the friendship of Mr. Papineau; and when I review the political career of that man, raised as he has been to eminence by the sole power of his intellect, without the employment of one single disgraceful proceeding, I look in vain through the whole of that career for one act which deserves reprobation. True it is, that he denounced, in strong language, the conduct of your colonial administration. I myself have equally condemned that administration; and if there be guilt in saying, that Canada has been ill-governed, that her grievances have been left unredressed, that her oppressors are men ever cruel,

and now exasperated, I, Sir, am willing to partake of that guilt. Talk to me of being frightened at being called a traitor; at being told that my life is forfeited; at the newspapers setting forth that I am to be sent to the Tower! Yes; the Government organs, and other portions of the press, have endeavoured to excite the people against me, and to induce them to believe that I and my friends could desire that which England must view as dishonourable. Do you think that I am to be frightened by such petty warfare? If I be guilty, why are there not some who dare accuse me lawfully. My papers have been seized—let them be produced. I have not run away, because I know, that there is a jury in England, who will render justice to the accused."

Mr. Roebuck having withdrawn, the Speaker put the question that the bill be committed, and Mr. Hume moved the postponement of the committal to that day six months.

Sir George Grey opposed Mr. Hume's motion, in a very able speech. After some compliments to Mr. Roebuck's eloquence and ability, he observed, that it was no part of his intention to follow him through the remote periods of Canadian history, or to comment on the grievances which, from year to year, they had heard so well stated by him, when a member of the House. He felt bound, however, to advert to this endeavour, on the part of that gentleman, to make the House believe, that the whole was merely a financial question. This was not a fair representation of the fact—every financial claim had been fully attended to by the Government. The Assembly of Lower Canada had aban-

doned the just and constitutional grounds on which they at first stood. By the acts, or rather by the neglect of that body, the constitution was already suspended in effect. The act now proposed was only intended to supply the wants created by the refusal of the Assembly to discharge its functions. It was a temporary measure, rendered necessary by the emergencies of the times; and Sir George Grey said, he entertained a hope, almost amounting to a certainty, that this measure, in the hands of the Earl of Durham, coupled with the general instructions upon other points, which he knew the Earl had received, would effect the object so much desired, that past differences would be buried in oblivion, and that all parties in the colony would concur in establishing a firm, a reasonable, a stable, and a liberal form of government. He trusted, too, that, long before the period limited by this Act, her Majesty in council would be able to avail herself of the powers contained in the bill to shorten its duration, with advantage to all parties, and to call together, under better auspices, the ordinary colonial legislature.

With reference to some remarks of Mr. Roebuck's on the delay which had taken place, in completing the legislative council on the new model. Sir George referred to the papers on the table, as affording sufficient justification of it. It would appear from these that Lord Gosford in June of the preceding year, after the most mature deliberation, had sent home a list of persons, whom he had selected as fit to fill the office, men not pledged to any extreme line of political conduct, and entitled as he thought from their character and



station, as well as from their moderation, to the confidence of the country. But the spirit in which these names were received, afforded no reason for believing, that had the selection been made, the list forwarded, and the persons appointed at an earlier period, a quicker reconciliation between the two branches of the legislature, would have been effected, or any of the evils complained of. Had not the House heard of men, who did not form part of the extreme party in Canada, and who did not go to the full extent of the views of the assembly, being designated as "worse than the most violent of the British party? Was there a disposition to give credit for liberality to any other persons in that colony, than to such as had looked to nothing short of an elective legislative council, and laboured to produce a separation between the colony and Great Britain."

The hon. Baronet then challenged those who in that house and elsewhere were in the practice of dilating on the excesses committed by her Majesty's troops in the late hostilities, to come forward with some better proofs of their allegations, than were contained in the anonymous paragraphs of the newspapers. Something had been said of the selection of the magistrates, deputed to carry into effect the determination of Lord Gosford with respect to state prosecutions. Some information as to the general character of these gentlemen, might be collected from the despatches. In Lord Gosford's despatch of the 22nd of November, 1837, was contained a report from the Attorney and Solicitor-general, respecting the proceedings in the district of Montreal. "Our undivided attention" say

these officers, "has been devoted to the attainment of such evidence as would authorize the arrest of those political incendiaries, to whose machinations the present alarming state of this city and district is to be attributed. Having at length accomplished this important object by the assistance of Messrs. Cuvillier and Penn, two of the magistrates of the district, to whom the depositions and accompanying documents were submitted, together with our opinion, that the charges contained in them amounted to high treason against the parties implicated therein, warrants were issued for their apprehension." Now, Mr. Cuvillier was one of the agents, who, in company with Mr. Neilson, had been deputed to lay the Canadian grievances before the British parliament; nor was there the slightest evidence to prove, that he wished to abandon the principles of liberty, which he had ever advocated, or the improvements in the government for which he had always contended; but conceiving that the leaders of the people were going too far, he felt it his duty to stop short, and notwithstanding his former connexion with the House of Assembly, was now prepared to stand by the government in the suppression of attempts at revolt.

Sir George Grey was followed by Lord Francis Egerton, who expressed his intention, though with real reluctance, to support ministers. That support he gave on the ground of the necessity of the case, without party purpose. He was anxious to inquire whether it was to the recent conduct of ministers, that the present state of affairs was attributable; were he indeed looking for reasons to think they were in

fault, he should be at no loss to find them in the papers which were on the table. He would illustrate his meaning by one or two passages contained amongst those documents. The first occurred in a correspondence which took place between the noble Secretary of the colonies and Lord Gosford; in this it was professed to account for the delay which on the part of the former had taken place in the legislation promised in the resolutions of March. The noble Secretary said, "that much as he lamented at all times the necessity of harsh and coercive measures, he felt a peculiar reluctance, at the present moment, in adverting to that course, regretting, as he did, that almost the first measure of the present Queen should carry with it an appearance of harshness towards any of her Majesty's subjects."

Lord Francis Egerton affirmed that he knew of no official correspondence presenting a passage so replete with sickly sentimentality as this. The noble Lord proceeded to comment on the circumstances attending the successive recall of the chief governors of the Canadas. With regard to Sir Francis Head, it would appear that some difference of opinion existed, but Lord Francis himself considered that he had conducted the affairs of Upper Canada with peculiar tact. The same might be said of Sir John Colborne, who had nevertheless been recalled—why—no one knew. That Lord Gosford should desire to return home was natural from all the circumstances, and had he only said, when he tendered his resignation, "The storm is gathering round me, I do not like to remain, relieve me and appoint a successor, nothing could have been more proper. But

his Lordship assigned no such reasons; "he said "my situation is not an enviable one, and on every private consideration I should be glad to relinquish it; it would be better besides to have some one in my place, who had not avowed his wish to carry on the government on the principle of conciliation." Now, Lord Francis Egerton said, he had always conceived that the most suitable agent in a task of justifiable coercion, was he who had exhausted every means of a conciliatory character.

With respect to the conduct of the Canadians, the noble Lord remarked that the house had been told that few insurrections had, less excuse than the present. He believed there was much truth in this assertion, but, at the same time, he thought that, in one point of view, few insurrections had been more excusable, for none ever received an encouragement like that which had been given by the speeches made in that house. The opinions advocated in those speeches had been such as to convince the misguided people of Canada, who knew little of the real state of feeling here, that however treasonable their conduct might be, they would not fail to meet with much sympathy from a powerful party among us. Nor was it surprising that they should place great reliance on that party seeing the position in which it stood; that it existed not *in* but *over* the government, and that upon it the government was dependent for its existence. In the late elections the malcontents saw that the influence of the ministers had been exerted in favour of those who advocated principles, and entertained views in common with their own. Under such circumstances, he could not call down the

penalties of treason upon a people, who had been misled by persons, who were themselves peculiarly favoured by the government.

Mr. Leader was the next to address the house, in reference to Sir George Grey's implied denial of the fact, he insisted that there was good authority for asserting that great severities had been committed by the troops, both at St. Denis and St. Charles. With regard to the discontents in Lower Canada, the whole mischief he said had been laid at the door of the Assembly. Without meaning to detain the house by a defence of their conduct, he must contend that from first to last, they had been exercising a constitutional right solemnly guaranteed to them by this country. If blame then was to be attached to any persons, it should fall on those who gave to the Assembly a power which it seems they were not to use, thus putting into the hands of the Canadian Representation a weapon, for the employment of which in their own defence that house was now about to inflict punishment upon them. The real cause of all the discontent, and of the consequent disturbances, was to be found in the Tory misgovernment of the colony during more than twenty years. It had been asserted that all the grievances of the Canadians had been redressed since the Whigs had come into power. But had the Whigs shown themselves equal to the difficult task of arranging the disputes, and smoothing the asperities caused by the long misgovernment of their predecessors? To that question there was a sad but significant answer—Canada has revolted. Such was the result of a twenty years misgovernment by one party, and a seven

years indecision of the other. The Whigs had in reality done nothing. They promised much; they talked of infusing a liberal spirit into the Legislative Council, they issued a commission to enquire into grievances which were notorious, instead of sending out a governor with power to redress them. Mr. Leader then stated his conviction that a bill of the despotic and coercive character of that before the house would only aggravate matters. At the same time he thought it a fortunate thing for the present ministers, that they had connected themselves with a man like Lord Durham, who enjoyed a reputation for liberal principles, and was not committed to the coercive resolutions of the last year. If any one of all their party could restore peace to Canada he believed he was that person. But he thought it unwise, now that the revolt was at an end, to send out a coercion bill together with a large body of troops, as his precursors in the province, to which he was appointed pacificator

After a few remarks from Mr. E. Rice, in support of the bill, Mr. Pakington said, that he could not accede to the proposed measures, without expressing a hope that the House, in the new arrangement which had been forced upon them, would not be unmindful of the interests of the British settlers in Canada. The number of the British residents had not yet been adverted to. At the period of the outbreak at Toronto, which had been occasioned by the correspondence of the honourable member for Kilkenny, there were, in the upper province, 350,000 inhabitants of British origin, and, in the lower, a population of 600,000; 270,000 of whom were British. The Bri-

tish inhabitants of both the provinces, therefore, constituted more than one half of the whole, and a more enlightened, or more loyal people never inhabited any colony, or struggled more to preserve the connexion with the mother country. He denied, that the French Canadians had any just cause of complaint; it was, in fact, the British portion of the population of the colony that had to complain of grave and substantial grievances. They had not their due share of the representation of the lower province, and they were greatly annoyed by the tax upon their imports to the British islands. Another just cause of dissatisfaction on their part, was, the refusal of the minister of the crown to renew the allowance for the support of the bishopric of Quebec. The hon. Gentleman then read an extract from a tract published by the Society for the propagation of the Gospel in foreign parts, by which it appeared, that, after the death of the present Bishop of Quebec, it was intended to consolidate that bishopric with the see of Montreal, without any increase of the emolument attached to the latter.\*

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\* Mr. Pakington also read an extract from a letter written by the Bishop of Montreal, who, in reference to the proposed arrangement, said, "The exigencies of the church induced me to close with the arrangements, under which I was consecrated Bishop of Montreal, and I cannot repent of having done so, for the most distressing inconveniences would have been already felt in the diocese, had I not been invested with episcopal powers. But if nothing should be done to endow the see of Quebec, and the project should fail, of erecting a new diocese in Upper Canada, it will be perfectly impossible for me, with my present means, to do any tolerable justice to the whole charge; and I fear sometimes, that I shall be compelled to

Now that they were about to remodel the constitution of Canada, measures surely ought to be taken to provide the Protestant population of that colony with sufficient means of religious instruction. Of the endowments of the Catholic clergy, Mr. Pakington said, he did not complain, but he thought he had a right to call on her Majesty's government to do as their predecessors had done—not to refuse this allowance for maintaining the bishopric of Quebec.

On the following day, the 23rd, Sir William Molesworth renewed the discussion in a speech of great length. Although compelled, he said, by his duty, to vote against the further progress of a bill which was to suspend the constitution of a free people, he had no objection to offer to what he understood was the most important feature of the ministerial measure, namely, that there should be sent to Canada a person in whom confidence should be placed; whose duty it would be to administer the affairs of the province, and to reduce the people to contented allegiance. And he thought that, if there were a nobleman in this country who for energy, decision of character, manly and liberal sentiments, was better fitted than another for so arduous a task, that nobleman was the Earl of Durham. Reluctant as he was to pin his faith on any individual, still he felt confident that Lord Durham, if left to the unfettered exercise of his judgment, would accomplish

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confine my visitations to the lower province. The board may judge how an income of 890*l.*, out of which house-rent is to be paid, can support the station of a bishop of the Church of England, at the seat of the general government of British North America."

the object of his mission. At the same time, for the exercise of his delegated authority, the governor should be most strictly responsible. He alone should be made answerable for every act done or omitted; all responsibility should be concentrated upon his single head; and the noble lord should be made to feel that, though he alone would merit all the praise of success, he must equally bear all the odium, blame, and deep discredit of failure. If successful, he would render the most enduring services to his country, and acquire the greatest political renown; but failure would make the state of affairs in Lower Canada still more complicated, and still more disastrous, and would be accompanied by the utter destruction of the political character of the nobleman, from whom so much was expected, and to whom so much was intrusted.

The hon. baronet, then, like most of his predecessors in the debate, entered at great length upon the historical part of the subject. The Tories he, of course, accused as the principal authors of the present disasters.—In refutation of the charge, so often made by ministers, that the Assembly had promised to grant a permanent civil list, on the passing of the 1st and 2nd William 4th., he referred to a despatch, dated the 15th of March 1831, wherein Lord Aylmer informed Lord Ripon, that the House of Assembly would not grant a permanent civil list, unless the casual and territorial revenues were surrendered. This despatch was acknowledged by Lord Ripon on the 15th of May, and it was not till the following September that the Act in question was passed; consequently Lord Ripon must have been aware, at least four

months previously, that the House of Assembly would not assent to his proposal of a permanent civil list. Lord John Russell had arraigned the conduct of the Assembly for refusing to grant permanent salaries to the judges. Yet, incredible as it might seem, after all that had been said, the House actually did pass an act, granting the salaries in the manner required. The act was most thankfully received by Lord Aylmer, who earnestly requested Lord Ripon to accept it, which, had he done, the disputes would have been terminated, but, for some inconceivable reason, he refused the bill. An objection, indeed, had been urged against it, that the amount of the salaries of the judges had not been stated, and that they were to be voted annually: but the words of the bill were,—“That the salaries, which are now annually paid to the said judges, shall be secured to them in a fixed and permanent manner.” And Lord Aylmer fully explained the reason for not mentioning the amount of the judges salaries in the bill. He told Lord Ripon, in a despatch of the 26th of January, 1832, that he did not think it necessary to make any specific statement respecting the salaries and retired allowances of the judges, for it was well understood beforehand, that the Assembly was fully prepared to continue them upon the present liberal footing. This bill received the unanimous consent of the legislative council; and Lord Aylmer, in his address to the local parliament, said, that he had great satisfaction in noticing it, but that, although it coincided altogether with the views of the ministers, it contained one or two provisions, which imposed upon



him the necessity of reserving it for the signification of his Majesty's pleasure. At the same time he wrote to Lord Ripon in the following terms :—" I shall take leave, with the utmost submission, to recommend it [the bill] to the favourable consideration of his Majesty. Once rejected, it is highly probable that no other from the House of Assembly, at a future period, can be expected upon more favourable terms, or even upon terms equally favourable." Lord Ripon, however, undeterred by this warning, thought fit to reject the Bill. In the course of a copious commentary on other passages in the history of these unfortunate and undignified transactions, Sir William at length arrived at the period of Lord Gosford's commission. The first object, he said, of the commissioners was to deceive; they concealed their instructions, and pretended that they were unfettered upon every subject. Now, it would appear, that, in those instructions, the question of an elective legislative council was a forbidden one. This fact they carefully kept back, endeavouring, by holding out false hopes, to obtain the supplies. Unfortunately, however, for this scheme, Sir Francis Head published extracts from his instructions, which were of a similar character to those of Lord Gosford. From these the House of Assembly discovered that they had been deceived. Justly indignant, they set aside the question of paying the arrears, and voted a supply bill for only six months, which the legislative council rejected.

With respect to the demand for an elective council, Sir William Molesworth read a passage from the report of the commissioners to

shew that it was not so extravagant as some gentlemen seemed to think. They expressly admitted, " that, under more favourable circumstances, at an earlier time, or had less animosity been excited, they could conceive that good might have resulted from the principle of election." Adding, however, that " the concession of an elective council, in the present excited state of public opinion, would afford a triumph to one portion of the people, which would be fraught with danger."

The hon. Baronet then endeavoured to show that the House of Assembly did actually represent the wishes of the Canadians of English as well as of French origin. According to the commissioners, more than one half of the representatives of British origin in the House were in the constant habit of voting with the popular party. He contended that there was, in fact, no such contest between the two races as had been described. The French Canadians had been represented as a bigoted and ignorant people, stupidly and slavishly attached to barbarous feudal customs. Now the commissioners stated, that the feudal tenure, as at first introduced into Canada, appeared to them to be in some particulars, well adapted to the settlement of a new country. They remarked, that " the modes of conveyance under the French customs were simple, expeditious, and cheap;" and that, " the French rules of descent were much preferred to the law of primogeniture by the people of all origins upon the continent." Accordingly they recommended the application of the French law in these particulars, instead of the rules according to the English law incidental to



tenures of free and common socage. The people were no longer desirous of perpetuating the onerous parts of their national tenures, but were favourable to their extinction on reasonable terms. But they were opposed to the interference of this country in what ought to be a matter of local arrangement. In particular they objected, and in the opinion of the commissioners, with great reason, to the 31st. and 32nd. clauses of the Canada Trade Act, (3. Geo. 4. c. 110.) and to the Canada Tenures Act (6. Geo. 4. c. 59.)—enactments, the repeal of which was recommended by the commissioners themselves.

Mr. E. L. Bulwer gave his support to ministers with unusual warmth. He thanked them, he said, as an Englishman, for their determination to uphold the integrity of the empire, and the maintenance of the laws. He thanked them scarcely less, as a friend to a liberal and popular policy, for their declared resolution to redress the grievances of Canada. He would go further,—he thanked them for their whole conduct to Canada, since the resolutions of the last session, and especially for not sending out troops, as the accompaniment to those resolutions. Sir Robert Peel had blamed them the other night for not having done so. Against that opinion he would call into court the noble Duke, the leader of his party in the other house. With respect to the situation of Canada, he asked if Mr. Warburton, and those who were called the philosophical radicals, and who would wisely proportion the extent of the suffrage to the amount of education—were aware that till within the last seventy years printing presses were forbidden in Canada; that at the

present day, the vast majority of the electors could neither read nor write, and that it often happened that the foreman of a jury could not give in the verdict from his inability to read it. Was this a colony fit for independence? Why, if it were a republic to-morrow, it would be a monster in legislation, half jacobinism — half feudalism. In conclusion, he said he wished the house to observe that it was the same small and isolated knot of gentlemen, who, on the first day of the session, declared so much contempt for the reform bill, and 'so much hostility to the government, who now differed from the whole people of England in their sympathy for an absurd and guilty revolt. Whether these gentlemen called themselves radicals or not, the great body of liberal politicians, he would affirm, neither agreed with them in their policy for Canada, nor their principles for England.

This sally from Mr. Bulwer provoked a grave rebuke from Mr. Grote. The occasion taken for making such a denunciation was, he said, as unseasonable, as the tone of it was unnecessarily harsh and severe. He took the trouble to add, that even had his friend, Mr. Warburton, termed himself a "philosophical radical," which, however, Mr. Bulwer must have known he had never done in his life, such a designation was quite as respectable as that of "*literary whig*."

Some difficulty was admitted to exist, by Sir E. B. Sugden, in respect to Lord Dorchester's message, which, according to the construction of some of the advocates of the Canadians, had in 1794 placed the casual and territorial revenue at the disposal of the Assembly. That message, he confessed, "was somewhat ambiguous;" although satisfied

upon it himself, he should like to have it more clearly explained. On the whole, however, he thought that as no claim had been founded upon that message, for a number of years, and the pretensions of the Assembly had been based solely on constitutional right, it should, at all events, be considered as having become inoperative. With respect to the tenures act, there could be no doubt but that it was unwise, as having been made without a sufficient knowledge of the subject. He should be perfectly ready to repeal it, simply reserving to all parties the rights they had acquired under it. His reluctant opinion of the conduct of the House of Assembly, was, that they had acted factiously in refusing the supplies — they had done so for an indirect purpose, not for the redress of any wrong, but for the extortion of a power which did not belong to them. In this country the stoppage of the supplies was the exception—the Canadians had made it the rule. He should support the bill, though there were many parts of it which struck him as entirely faulty, and which he should endeavour to amend in committee.

The ministerial project was supported by Mr. Labouchere, who remarked that he had been well acquainted with those gentlemen who came from Canada in 1828, to represent to the colonial department her existing grievances. He declared he had never seen men who took a more honourable and justifiable pride than they did in the country which had given them birth, or had a warmer or better founded attachment to free institutions, or would have more strenuously resisted anything which they considered an infringement of that free constitution, to which

by birth they were entitled. Of these persons, at least two out of three, had taken a decidedly active part in supporting the just claims of England against the House of Assembly.

Mr. Gladstone tauntingly contrasted the subdued tone now adopted by Messrs. Hume and Leader, and Sir William Molesworth, with the boasts and assertions, in which, before the recess, they had indulged. He added, that there was only one point raised by the hon. Baronet, which had not yet been adverted to, and which admitted of a very plain reply. He had attributed the failure of the measures taken for securing the independence of the judges, to the rejection by the colonial secretary of the bill passed by the provincial legislature. It was undoubtedly true that the House of Assembly had passed a bill providing nominally for the independence of the judges. But what were the other provisions of that bill? It established a court of impeachment for all public officers, and asserted the claim of the House of Assembly to dispose, at pleasure, of the hereditary and territorial revenues of the crown. Moreover, it made no provision for the permanent payment of the salaries of the judges; so that in effect while it detached them from their dependence on the crown, it left them entirely at the mercy of the House of Assembly, who were, as formerly, to vote their salaries from year to year.

With respect to Lord Dorchester's message, Mr. Gladstone contended that it merely promised the application of the revenues of the crown to the purposes of the colony, and engaged that the manner of their appropriation should be

communicated to the Assembly—it did not contain a single word about their unconditional surrender. He would ask, whether it was likely that the Governor would, of his own accord, have placed the commons of a recently conquered colony on a better footing with regard to the Crown, than that possessed by the commons of the United Kingdom? Or that, had he in fact placed them in such a situation, they would have permitted subsequent Governors, for so many years, to act, as if no such surrender had been made? He proceeded to notice some of the charges advanced by Mr. Roebuck against the Legislative Council. That body had undoubtedly rejected a bill, for an alteration of the law of mortgage, which the other house had sent up. And they did so, because the amendment proposed by the Assembly involved the continuance of a vicious system of secret encumbrances, whereas the object of the Legislative Council was an open practice of registration. It had been farther made matter of charge against the council, that they had prevented from passing a bill enabling the inhabitants of the various districts to elect their local officers. The facts were these. A bill for that purpose did pass the Legislative Council, but having been amended in the Assembly, failed, in its amended state, to receive the sanction of the House which originated it. What, then, were these amendments? Why, they went to establish a system of election for justices of the peace. By the second clause, as amended, the freeholders present at any such meeting were to choose one person to be clerk of the township or parish, and also to *recommend* one or more persons to be justices of the

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peace. There could be no doubt but that the operation of this system would have been, in process of time, an usurpation of the Crown's prerogative, and was, besides, sure to be attended by all the evils of a popular election.

Among other grievances, the insolvency of the judges had been commented upon. But, supposing instances of the kind to have occurred, who was to blame but the Assembly who had withheld their salaries? Then there was the bankruptcy of Mr. Caldwell, the late Receiver-general. Mr. Gladstone was ready to admit, that if the province were likely to suffer injury from the state of that officer's affairs, it might be reckoned a grievance. But the case stood thus: the Receiver-general was a defaulter to the amount of 96,000*l.*; but his estate had been sequestered, and, at one time, 150,000*l.* had been offered for it. If in the present disturbed condition of the country occasioned by the proceedings of the Assembly itself, the estate were not saleable, the fact afforded no foundation for a charge against the British Government.

The hon. Gentleman then quoted a glowing panegyric pronounced by Mr. Papineau in 1820, on the British Government in Canada,\* and cited some passages from Dr.

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\* Mr. Papineau, among other effusions of equal warmth, exclaimed on this occasion, "Compare our present happy situation with that of our fathers."—"From that day (on which the British dominion supervened) the reign of law succeeded to that of violence; from that day the treasures, the navy, and the army of Great Britain are mustered to afford us an invincible protection; from that day the better part of her laws became ours, while our religion, property, and the laws, by which they are governed, remained unaltered."

Franklin's examination before the House of Commons, as an authority for appropriating the revenues of a colony in emergencies similar to the present. He then proceeded to consider the concurrence of circumstances which had led to the existing disasters. In his opinion, the repeal of the act of 1831, (which made over the duties of 1774 to the Assembly) would have prevented the late occurrences. In commenting upon Lord Gosford's correspondence, he pointed out the most glaring contradictions. On the 2nd. of September, 1837, Lord Gosford wrote, "I do not conceive there is any ground for alarm." And in the very next sentence he stated, "I am disposed to think that you may be under the necessity of suspending the constitution." Again, in another despatch, he says, "I do not myself credit these reports, nor yet apprehend any serious disturbance." While in the next sentence he writes, "It is proper I should represent to you the inadequacy of the powers at the disposal of the local Government, for meeting the difficulties which surround it."

These instances Mr. Gladstone followed up by a series of severe strictures, on the incapacity and folly displayed by Lord Gosford and the Colonial office. The Chancellor of the Exchequer in a short speech attempted, but with no very signal success, a vindication of the conduct of both, an effort which was characterised by Sir Robert Peel, who followed in the debate, as a "lamentable failure." "The right hon. Gentleman says," remarked Sir Robert, "we have, at least, this satisfaction, that the charge preferred against us is not that of precipitation and harshness, of tyranny and severity

—the whole charge against us is that we have pushed to excess the principles of lenity and conciliation. Sir, the hon. Gentleman is not at liberty to prefer an indictment against himself. The charge is not that he and his colleagues have pushed the principles of lenity and conciliation to excess, but that they have spoiled their conciliation, and neutralized their vigour, by the nature of their proceedings. It is that they have never been either consistently conciliatory, or consistently vigorous." Sir Robert Peel, in the course of his speech, took occasion to unfold the course he meant to take with the bill in committee. Whatever powers were strictly necessary, he said he would willingly concede. He would enable Lord Durham, with the advice of certain councillors, to make such orders as were necessary for the local government of the country. But to that part of the bill, which gave Lord Durham powers, beyond what was required by the temporary exigency of the case, he was decidedly opposed, as a gratuitous violation of the constitution. He should propose to omit from the bill that part which involved a recognition by that house that a certain Assembly, to be called by Lord Durham, should have a representative character and capacity. Here was a bill suspending the constitution. It annihilated the House of Assembly, which represented the feelings of the people. Should he then call any assembly, summoned by the Governor, an assembly representing the interest and opinions of the people of Lower Canada? The case, with respect to Upper Canada, was still stronger. What had the inhabitants of that Province done to be deprived of their constitutional rights? He further

objected to the manner in which they were called upon to recognise such a prerogative, not by direct enactment, but by a mere allusion in a preamble. The following was the preamble to the bill, as originally proposed:—"Whereas, in the present state of the Province of Lower Canada, the House of Assembly of the said province, constituted under the act passed in the 31st. year of His Majesty King George 3rd., entitled "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" could not be called together for the purposes in the said act mentioned without serious detriment to the interests of the said province; and whereas it is nevertheless expedient that the said province should be permanently governed on constitutional principles, adapted to promote the interests of all classes of Her Majesty's subjects, in the said province; and whereas, in order to the preparation of such measures as it may be desirable to propose to Parliament for improving the constitution of the provinces of Lower Canada and Upper Canada, or either of them, and for regulating divers questions in which the said provinces are jointly interested, Her Majesty hath been pleased to authorize the Governor-General of Her Majesty's provinces in North America to summon a meeting, to be holden within the said provinces of Lower Canada and Upper Canada, consisting of the said Governor-General and of certain persons to be by Her Majesty, or on Her Majesty's behalf for that purpose

appointed, and also consisting of certain other persons representing the interests and opinions of Her Majesty's subjects inhabiting the said provinces; and whereas it is in the mean time necessary that temporary provision should be made for the government of the said province of Lower Canada; be it therefore enacted, &c." This was, said Sir Robert, to create a confusion of prerogative and parliamentary enactment, and to establish a most dangerous precedent. If her Majesty's government required extraordinary powers, let them be asked for in the usual way; if, on the other hand, the prerogative of the Crown was already sufficient for their purpose, let that prerogative be exercised. But in the existence of any doubt upon the point, let them not, by some tortuous implication in the preamble to a bill, seek to obtain a parliamentary sanction to their proceedings.

Another point in the bill to which Sir Robert said he was opposed, was the power proposed to be vested in the Crown, of repealing the act by advice of the privy council. He never recollected a more unconstitutional proposition! Once admit, that an act passed by parliament, could be repealed at pleasure by the Crown, and there was no knowing to what the precedent might lead. If parliament were to be called upon to suspend the constitutional rights of Canada, let it, at least, retain the graceful task of restoring those high privileges on the proper occasion; nor let it be said that they were forfeited by law, and restored by prerogative. Again it was proposed, that when the Governor had called together the council, he alone should have the initiative of the measures to be brought forward.



Thus the only man who was to suggest any thing on the subject on which they had all met to deliberate, was the very one who, being the last landed from England, might be supposed to have the least practical information. Sir Robert then alluded to the declaration of the Duke of Wellington, that the forces were sufficient, a declaration which had been with such inconsiderate eagerness fastened upon by the ministers, and made the very obvious remark, that not only was it when properly construed unfavourable to the government, but the case, in fact, was one of which every civilian was competent to judge. After the resolutions of last year, must not every rational man have expected that public excitement would be increased? Looking to the blood which had already been shed in Canada, were they not bound to enquire whether a larger demonstration of military force on the part of Government might not have averted its necessity? \*

With respect to the executive and legislative councils, Sir Robert said, that they had sent out three commissioners, who stated the various improvements which they deemed advisable. This was in 1836. And on the 14th of July, 1837, Lord Glenelg said, that no delay should occur in acting on the

report; and that he had no serious doubts concerning the wisdom of the suggestions of the commissioners. Eighteen months had however elapsed since the subject had been brought under consideration. For eighteen months, the only difficulty was in getting the proper men. Lord Glenelg at last said, that acquiescence in farther delay would be impossible, and what did he do? He sent out to Lord Gosford an extract from his own report, and told him to act on the principles therein contained, to seize the first nine men he should meet, and to swear them in as councillors. In conclusion, Sir Robert declared, he could not but consider the ministers as "morally and deeply responsible" for the disastrous events which had occurred.

The debate was closed by Lord John Russell, who, by the irritation of tone which marked his speech, showed how much he was stung by the attacks which had been made upon the government. The noble Lord, however, was unusually ineffective upon the occasion. He not merely failed to meet the objections advanced by Sir Robert Peel to the details of the ministerial plan, but afforded grounds for suspecting that there existed some confusion in his own mind upon the proposed scheme. It had been asked, he said, why if they convened this meeting of the provincial representatives, they did not at once convene the Assembly? He saw little point in that question. Suppose that peace was restored—suppose they convened the Assembly—they would only bring together a body which, in its present state of irritation would say, "give us an elective council, or we will not vote the supplies." Thus there would soon be an end of the meet-

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\* In addition to the strange passages which Mr. Gladstone had selected from the incoherent correspondence of Lord Gosford, Sir Robert Peel produced another to the following effect. "As I stated in my former letters, *I do not expect any serious commotion*; at the same time, when I see so many clever unprincipled engines in action, yielding implicit obedience to the mandates of such a man as Mr. Papineau, it is impossible to set limits to the extent of mischief they may construct."



ings of the Assembly. But if they collected a body consisting not only of persons selected from the Legislative Council and Assembly, of persons representing the feelings of Lower Canada, but also some who would represent the feelings of the Upper Province, then, they would have some chance of seeing the matters in dispute satisfactorily arranged. Another important feature in the plan, of which Sir Robert Peel had taken no notice, was, that the committee, when assembled, should possess no legislative power. Lord John Russell said, he had already stated, that he considered it absolutely necessary that the supreme legislative control should rest with parliament. It had been argued that if they intended to arrange the matter by the use of the prerogative of the Crown, they need not provide for it in the preamble of this bill. But surely it was desirable, that if possible, they should be furnished by the bill with power for the purpose. It was right that, when extreme measures of this kind were to be adopted, they should be formally submitted to the sanction of parliament. With respect to Upper Canada, they did not propose to interfere with the ordinary working of the constitution in that province. As for the power proposed to be given to the Queen in council, it was no doubt a very great one, nevertheless he saw no reason, if necessary, why it should not be given.

Adverting to the observation, so often alluded to, of the Duke of Wellington, he admitted that his Grace was probably right in saying that there had not been sufficient troops in Nova Scotia, but the charge made by hon. Gentlemen opposite, was, that government had not sufficient troops in Canada

to prevent insurrection; his answer to this was, that they had enough for any legal purpose, and although for many reasons it might have been necessary to have had more troops in Nova Scotia, yet could any one say, that that circumstance would have prevented revolt in Lower Canada?

With regard to Lord Gosford's despatches, Lord John said, that, although it was not difficult for Gentlemen reading them to find fault with them, he thought they formed a full and complete defence for Lord Glenelg, Lord Gosford, and the Government. But they were written in such haste as to render careful composition impossible. The noble Lord then, in a rather unsuccessful strain of retort, fell upon Lord Francis Egerton, who had talked of "the sickly sentimentality" of the despatches, and concluded his address by some general observations on what, he considered, ought to be the colonial policy of Great Britain.

The House then divided on the motion for going into committee, when the numbers were—ayes 262; noes 16; majority 246.

On the 25th, Lord John Russell, in moving, "that the Speaker leave the chair," informed the House, that, in looking over the bill, he had discovered a great number of verbal amendments to be necessary. It would be more convenient that these should be introduced, before the discussion was resumed, and he therefore moved that the House should go into committee, *pro formâ*, in order to afford an opportunity for making the requisite alterations.

The inaccuracies, however, which it was thus proposed to correct, were by no means of an unimportant, or merely formal nature; on

the contrary, had they been allowed to stand, they might have involved great inconvenience and uncertainty. By the original draft of the bill, the governor in council was empowered "to make ordinances for the peace, welfare, and good government, of the province of Lower Canada; which ordinances should have the force and effect of law therein." The extreme latitude of the authority thus created is apparent, and it became therefore expedient to contract it, by the introduction of words, confining the power of the governor and council within the limits already prescribed for the existing legislature.

Another amendment, introduced upon this occasion, was the clause, by which power was reserved to the home government to disallow and annul any ordinance made by the new legislative authority.

Upon the question being put, that the Speaker leave the chair, Mr. Warburton rose to oppose the motion, being anxious to state his views regarding the separation of the Canadas from the mother-country. This he conceived to be the only true and radical remedy for the evils which existed. They had now given the Canadians either too little or too much. They had conceded to that people a popular representation, but had not permitted them to enjoy the advantages which that form of government is designed to secure. If they looked to the petitions, not only from Lower Canada, but from the rest of the North American colonies, they would find that the inhabitants required, together with a representative system, a responsible executive, which grew naturally out of it. The hon. gentleman explained that he meant by a

responsible executive, that the persons entrusted with the administration of affairs should be responsible to the majority of the assembly, and appointed in conformity with its desires. If it was intended to govern the Canadians through the office in Downing-street, a popular assembly ought to have been withheld. But what said the colonial secretary to the demand advanced by the colonies, for a responsible executive? Why, that such a system would be incompatible with colonial government. Thus it was, that no measure affecting the colonies was regulated by any consideration of utility to them, but by a very different standard, implied in the inquiry, whether or no it was calculated to maintain the superiority of the mother country? No wonder the colonies were discontented.

The hon. gentleman then proceeded to recommend "a large and liberal concession," in which he comprehended an intimation of the readiness of this country, if such were the wish of the colonies, to discuss with them the measures that might seem most convenient for effecting their independence.

Mr. Warburton then adverted to another cause of the dissatisfaction which prevailed. The government had endeavoured to impose institutions upon the colony, utterly inconsistent with the frame of its society. The social system in the Canadas was, disguise it as they might, essentially democratic. The easy circumstances of the inhabitants, their institutions, their laws, excluding, as they do, the privileges of primogeniture, had a democratic tendency. Now, to propose to establish aristocratic institutions in a country, where there was an

equal distribution of wealth, was the vainest chimera that ever entered into the mind of man. Nor was it possible, that the Canadians could escape the contagion of the institutions of the neighbouring states.

But, observed the hon. member, it was said, that the Canadians were quite happy and flourishing, and enjoyed great physical comfort. Why, then, alter their constitution? — He had always thought that men so situated were best fitted to be the recipients of free institutions.

Mr. Warburton then reverted to his plan for emancipation. It had been said, that the time for such a change had not arrived; and that the Canadians, far from desiring it, were warmly attached to the connexion with England. Was it then, he would ask, their intention to wait till disaffection arose to develop the real wants of the colonists? Or was it not rather most desirable to make the arrangement upon amicable terms? But, it was contended, that the Canadians did not wish for separation. Why, for a very good reason. No one would openly express such a sentiment, for fear of the consequences to himself personally. Besides, if the people had not, in express terms, demanded emancipation, they at least required concessions quite inconsistent with a maintenance of the existing relations between the countries.

The next consideration was, the advantage which this country might be supposed to derive from the present connexion. The facilities thus afforded for emigration were often insisted upon. But it was not to our colonies that emigration was chiefly directed. The amount of emigrants to the whole of our North American settlements was not more than 30,000 persons an-

nually; whereas the numbers who went out to New York alone exceeded 60,000. So that, argued Mr. Warburton, in the event of our emancipating those colonies, there would be an increase of emigration.

Then came the question of trade. No doubt, the North American trade was of great importance. But then it was notorious that England was a considerable loser by the mode in which her trade with her colonies, in that part of the world, was at present conducted. The whole amount of the export trade from Canada and New Brunswick was 1,500,000*l.* annually; and of that, 1,100,000*l.* was in timber alone; yet, rather than go to war with them for independence, he would willingly give them a lease of the timber monopoly, oppressive as it was to Great Britain, for a term of years. If, as was contended, the carrying trade in the bad Canadian timber was essential to the support of our naval power, in his opinion, that trade would not be affected by an amicable separation, since it might be carried on as before. Besides, the best mode of providing for the increase of the navy, was to promote, in every possible way, the augmentation of the revenue. Whereas the Canadian timber trade actually operated prejudicially on the resources of the country.

A great deal, too, was said about the diminution of power, which a separation would entail upon Great Britain. So far, however, from Canada being a source of power, she was a cause of weakness; for a colony in a state of estrangement and revolt could not, under any circumstances, conduce to the strength of the mother-country.

The hon. gentleman then proceeded to argue, that by abandon-

ing the Canadas, we should be considerably the gainers in point of expense; and that such a surrender, so far from being disparaging to our honour, would have a contrary effect by raising our character for justice. Whereas, if we could not maintain our sway but by the instrumentality of fire and sword, as of late, it was not likely that we should appear to great advantage in the eyes of Europe.

The hon. gentleman concluded, by expressing his regret, that the bill contained no clause empowering the governor to convene representatives from all the North American colonies for the purpose of concerting measures for establishing a grand federal union; and his determination to oppose the bill in every stage.

After Mr. Warburton had thus delivered his sentiments, Mr. Ellice, who perceived that the opposition of Sir Robert Peel to the preamble of the bill, had made a great impression upon the House, came forward, with his usual adroitness to the aid of the ministers. In consequence, he said, of what had passed during a former debate, and in the apprehension, that any great division in that House on any part of the bill might lead to misconception in Canada with respect to the feeling of the people of England, he thought it his duty to put it to Government whether it might not be possible, so to alter the preamble of the bill, as to secure the unanimity of the two great parties in the house. This suggestion was received with a cheer from the opposition, the significance of which Mr. Ellice sufficiently understood, for he went on to assure the gentlemen who gave it, that until five minutes before he entered the house, nothing could be farther from his in-

tention than to make the proposition which he was then about to submit. Under ordinary circumstances the most prudent course no doubt, might be to call together such a deputation of the two provinces as was suggested. But in the present state of affairs he doubted the policy of such a step. Instead therefore of going out with specific instructions, he did not see why Lord Durham should not be intrusted with powers to adopt such measures as he should judge best for ascertaining the wishes of the people. Upon these grounds, he hoped Lord J. Russell would urge the house to a speedy decision upon the subject. And that Sir Robert Peel would enter into his view of the question and consent to withdraw his amendment.

Lord John Russell was doubtless from the first, fully sensible of the importance of the outlet opened to him by Mr. Ellice. But he showed no impatience to avail himself of it. He said, that his right hon. Friend had recommended to him a serious reconsideration of the preamble of the bill. He would state his views on that point. He was quite ready to leave it at the discretion of the Governor-general to call together, or not, such a body as was named in his instructions. But, at the same time, he was bound to say, that to authorize the Governor so to collect the opinions of the people of the province was a very considerable part of the general policy which ministers proposed to pursue. It was due to all parties, that that part of their policy should not be concealed. It was necessary, that every member of Parliament should have an opportunity of giving or withholding his consent to it. No doubt there were various modes of

effecting the object, besides by the way of the preamble. Had Sir Robert Peel grounded his opposition on the irregular mixture of prerogative and legislation therein displayed, he would have been ready for the sake of unanimity, to have waived the words in question. But the right hon. Baronet had not only objected to the unusual *form* of the proceeding, but further to the course itself, as unwise and inadmissible. Now were they to abandon the words, it would lead to the inference, either that Parliament did not approve of this mode of legislation, or that it had condemned its policy. He was not prepared to carry into effect the bill, if it were to be in the power of members afterwards to say, that the policy of the government with regard to Canada, was disapproved of by a majority of the House. If the words of the preamble were omitted, the question would still remain, was the House in difficulty with respect to the technical irregularity alone, or was it of opinion, that the Governor-general ought not to go out with those instructions?

Sir Robert Peel now rose. In the most explicit manner he declared, that his objection to the preamble of the bill was not a mere objection in point of form—though he did oppose it on that ground also. He avowed that he entertained great doubts as to the policy of the plan at present proposed, he objected thus beforehand, and in the dark, to give his sanction to the measure as it stood. Without restraining the prerogative of the Crown, he claimed for himself and others not to be called upon to sanction any particular instructions. If he did give such a sanction, he should be placed in

the situation of a responsible minister of the Crown. No doubt it might be proper for Lord Durham to collect information from all quarters, but he was not prepared to prescribe the mode, and he never could be brought to affirm, in the words of the preamble, that the persons selected in the manner proposed, would constitute a fair and fitting representation of the sentiments of the Canadian people. When Lord Durham arrived, he might possibly find it practicable to carry the proposed arrangement into effect, but if he were asked beforehand, whether in a province, circumstanced as Lower Canada was, he thought the plan would facilitate the adjustment of the matters in question, he would at once declare, that he could not answer in the affirmative. If the Government desired it, they might press the arrangement, but he must decline to be a party to it.

Mr. Ellice, in explanation, gravely remarked, that on hearing the right hon. Baronet's speech he did not perceive any essential difference between him and the proposers of the bill. Sir Robert was willing to concede the widest discretion to Lord Durham, while the particular line marked out by ministers was not suggested as imperative upon the House. Several members then expressed their sentiments upon the subject generally; after which, Mr. C. Buller rose to suggest to Lord John Russell that he was doing injustice to his plan by allowing the question to be tried upon the preamble of the bill.

The noble Lord thus admonished, said, that Mr. Buller was quite correct in supposing, that after the powerful appeal of Mr. Ellice he should not think himself



justified without some deliberation in declaring the exact course which he should pursue. "I certainly," said the noble Lord, "did not state, that I should consider it absolutely essential, that the words should remain in the preamble of the bill; but I did say, that as they had been there placed, it would not be satisfactory that they should be removed without the opinion of the House being pronounced in some intelligible manner in respect of that important part of the policy of government." He finally promised that, on the following day, after consulting his colleagues, he would state exactly his views upon the subject.

Accordingly on the 26th, Lord John intimated to the House, that the ministers "would not think the bill materially injured by an alteration in the preamble to the effect proposed by Sir R. Peel. At the same time he gave them to understand, that, in the absence of a "definitive motion" of condemnation, he should assume, that the House acquiesced in the policy of the proposed measure. He further stated, that he did not mean to press the clause giving power to the Queen in council to repeal the bill. An announcement which, as might be expected, was received with loud cheers by the opposition.

Sir Robert Peel could not suppress his scornful exultation at this concession. Speaking of his own amendments he said, "from the first I never entertained the slightest doubt that I should succeed. And when I heard hon. gentlemen on the other side say, that the very words in the preamble to which I objected constituted the chief, if not the sole recommendation of the measure, and when I read in the

organs of Government denunciations of my motives and feelings, my confidence in ultimate success was not diminished. Nay when I heard the noble Lord last night declare, that if my objections were merely of form, he would not resist them, but, that if they applied to the substance of the measure, he should feel some difficulty on the subject; and when I thereupon declared, that this last was in fact the case, still my confidence, grounded on the reasonableness of my proposition, was not in the least abated." The noble Lord had said, "if you object to our policy, it is your duty to propose a vote of censure." But Sir R. Peel said, they had nothing to do with the policy—they were not to call in question the exercise of the royal prerogative. It was the same with the instructions.\* "I will not notice those instructions" said Sir Robert, "I will not recognize them—I will propose no vote of censure upon them. I retain the right of questioning the policy of those instructions the same as if I had never seen them; and still more, I declare, as far as my private opinion is concerned, although, I do not mean to record that opinion by any vote, that of all the public documents I ever met with, I think these instructions to Lord Durham the most absurd." What could be more inexpedient, continued Sir Robert, than to bind down a man, who would not arrive in Canada before the end of May, with a set of instructions dated in January? It would be better to leave Lord Durham to his own discretion. "But ministers had found it ne-

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\* "These instructions" will be found in the Appendix.



cessary to publish thus prematurely these instructions for the purpose of propping up their abominable preamble. This has driven them to the melancholy expedient of giving the Governor-general of a colony his instructions three months previous to his sailing. But I tell them with the same confidence that I predicted the success of my amendments to their bill, that they will be obliged to repeal their instructions." Before he sat down, Sir Robert hinted, that he could conceive great advantages to be derived from combining our North American colonies into one great confederation, each province retaining its domestic government—if such a plan could be accomplished.

Mr. Ellice applauded the course taken by ministers and admitted, that he was disposed to agree with Sir Robert Peel more than with them upon the points involved in the discussion.

Mr. Harvey ridiculed the Government in his happiest strain of humour. "I hope," said he, "that we may be allowed to implore the leader of the powerful party, who range themselves upon the opposition benches, to abdicate his false position as such—to continue hereafter in his course of well doing, as counsel to the cabinet—thus throwing around them the shield of his protection—and preserving both them, and the nation, from the evils which otherwise beset them. The course which the right hon. Baronet pursues, reminds me of the practice in a lawyer's office when I was a lad. When a draft was first prepared, it was submitted to some subordinate member of the profession—generally to somebody under the bar—who had his small fee and advised upon it; but

in a subsequent stage, it was sent to some master mind, to the very highest in the profession, who perused the deed, and finally settled the terms. Now it would seem, that although we have a cabinet of small men, who consider and put together their crude notions and thoughts, they are obliged, after they have thrown them into the form of a draft, to send it for revision to the leader of the opposition. And what a splendid instance of disinterestedness was here offered by that leader, who gives all his important advice gratis, and allows the little people to take the fees!"

With respect to the general question, Mr. Harvey said, that while he had throughout been most prompt to confer those great and responsible powers upon the noble Earl who had been most happily selected by Government—cheering as he did the friends of freedom wherever he went—he would at the same time be little disposed to fetter him in the exercise of the mighty authority with which he was clothed. Why should he be curbed and fettered? Let him go forth armed with that bill, and let it contain a provision that should enable him, in all respects, to act as he should deem best. Mr. Harvey then blamed the ministers for submitting the instructions to the house, and asked whether they had done so for some artful and subtle purpose, if the necessity should hereafter arise, of leading the world to suppose that they were sanctioned by the House of Commons. At the same time, he justly pointed out the inconsistency which Sir Robert Peel had exhibited, in saying, on the one hand, that he would have nothing to do with the instructions, that

were mere waste paper, and at the same time entering on a powerful adverse criticism, which would go across the ocean and induce an impression that the sense of the House had been taken upon them. Such a course he contended was not befitting the high station which he held in that house and in the country.

Lord Howick defended the production of the instructions. It was he said, neither impolitic nor improper that they should be laid upon the table. It was not sufficient that the government should entertain liberal views, it was also necessary that, when they came forward with a measure which bore severity and coercion upon the face of it, they should in an equally public and formal manner, shew what were their ultimate views and intentions. With respect to Mr. Harvey's objections to the restraints imposed upon Lord Durham, he asked had that hon. member considered how ungracious a task he would thus throw on that nobleman? Would it be consistent with the nature of his mission—would it contribute to his success, that the first act almost on his arrival in the colony should be that of declaring upon his own opinion and responsibility the necessity of a suspension of the constitution?

Upon this occasion, Mr. Hume said, he was bound to admit, that Lord Howick, while in the colonial department, had given great satisfaction to the Canadians, and that he himself had been the means of communicating addresses of thanks to the noble Lord from almost every province in Upper Canada. The Canadians only required to be treated upon the principles which had that night been

avowed, to become willing supporters of the connexion with the mother country.

The house then went into Committee, and proceeded to consider the several clauses of the bill, and the amendments proposed.—

On coming to the third clause which, subject to certain specified exceptions, empowered the Governor of the province of Lower Canada, with the advice and consent of the special council, to make such laws or ordinances for the peace, welfare, and good government of the said province as the Legislature of Lower Canada, as now constituted, is empowered to make;

Lord Stanley objected that the powers thus given were too large and comprehensive. There might, he said, be subjects, proper for the determination of the colonial legislature, which it would be inexpedient to refer to the arbitrary discretion of a single individual. He adverted to the following points in particular. Under certain restrictions, the local parliament was by the act of 1791 empowered to make alterations in the imperial acts, which secured the respective privileges of the Protestant and the Roman Catholic religions. The other point was more important;—No question had excited more difference of opinion in Lower Canada, than that which regarded the tenure of lands. By an act of the 1st of William 4th, powers were given to the local legislature, to alter not only the tenures, but also the incidents arising out of them. Now it would be highly improper to authorize a governor, sent out for three years only, to alter the law on such subjects, especially the last.

Sir William Follett, after some

remarks on the important nature of the alterations which the ministers had introduced into the bill, under the name of "verbal amendments," proceeded in these terms, "you now restrict the governor to making such laws, as the colonial legislature could have made. You require him to obtain the consent of the Crown, and that certainly is a very proper amendment. Generally speaking, the colonial legislature have no power to repeal or alter acts of the imperial parliament. But there are certain matters which they have power to deal with. Power was given them by the act of 1791, to alter the laws respecting the Roman Catholic religion, to alter the electoral districts, and also to make laws in modification of the act of 1791, relative to the maintenance of the Protestant religion, the appropriation of the clergy reserves, the erection of parishes, and the whole ecclesiastical government, as far as the Protestant clergy were concerned. But they could not interfere with any law in force respecting those subjects, without an address from the colonial legislature to the Governor, who was required to transmit the bill, and address, to England, to lie thirty days on the table of both houses of Parliament, during which time the crown was restrained from giving the royal assent. According to this plan, the inhabitants of the colony, had an opportunity of becoming well acquainted with the subject, and of making any representations they might think proper. But such will not be the case with a dictator, who will make his laws and obtain their ratification in secret, while the Canadians remain in utter ignorance of what is taking place. I believe the only other

subject in which the Canadian parliament can interfere with the acts of the imperial legislature, is in respect of the Canada tenures act, passed in 1826, and which in the following year, the Canadian legislature acquired the power of altering, subject only to the royal assent. Such are the powers possessed by the colonial legislature. Is there any reason why the Governor-general should possess powers for interfering with the laws relating to the Protestant religion, the clergy reserves, and the tenures of land. The very circumstance, that the laws made by him have a limited duration is a decisive objection. Those matters certainly do not fall under the head of local police, or regulations for administering the affairs of government. If any alteration is made in the law of tenures, surely it ought to be of a permanent character. The greatest inconvenience and mischief must, in my view, arise from the interference of the Governor-general in such a matter. I have now stated the grounds on which I shall move, that after the proviso in the clause under consideration the following words be introduced; "or to repeal, suspend, or alter, any provision or any act of the imperial parliament, or to repeal, alter, or suspend, any act or acts of the colonial legislature, or any of the provisions thereof."

Mr. Ellice in an unanswerable manner explained to the House that it would never do, thus to stop all the local legislation of the province, which would be the effect of that amendment. If they suspended the constitution, they were bound to make some other provision. He, therefore, suggested the propriety of making

the restrictions as few as possible.

Sir G. Grey said, that he considered it immaterial whether Sir W. Follett's amendment were adopted or not. If, however, it should be thought, that its adoption was desirable, he should be obliged to that gentleman, if he would give him his amendment, and he would tell him, in bringing up the report, whether he could agree to it or no. The only objection was, that he doubted whether it was not too large, but he could not tell, until he looked into the local acts. *If the amendment only applied to the acts he had named, he had no objection to it*, but it might apply to others in such a way as to render its adoption inexpedient.

Sir William Follett replied, that his object was merely to exclude from the operation of the clause such laws as those he had particularized; he had no design to remove from the control of the Governor in council any local matter, as often as there should be a case of necessity requiring his intervention. He had no objection to comply with the suggestion of Sir George Grey, and to hand over the amendment to his care; with the understanding however, that it was intended to carry into effect the spirit of its principle—that is to say to exempt from the operation of the legislative power of the governor in council any act of the Imperial Parliament, or any act of the Colonial Legislature.\*

Sir William then proceeded to comment, in a severe strain, upon

the loose and faulty manner in which the bill had been framed. None, said he, could have been drawn up with more carelessness, more haste, more want of perspicuity. And the House might reasonably complain of the important alterations which at that late hour of the night had been introduced by government into the original draft.

The Attorney-General after boldly declaring, that he had seldom known a bill in which, during its passage through the House, fewer alterations had been introduced, said that there could be no difficulty whatever, in inserting the clause proposed by Sir William Follett. "If," said the learned gentleman "there had been a clause in this bill providing that the council should have a power of legislating in all local, in all internal, and all legal matters, then indeed there might be reason to complain. But this bill only gives to the Canadian council power to deliberate on certain matters, and then sets out a variety of restrictions and limitations."

We have thought it desirable to be somewhat particular in our statement of the above conversation, because, as will hereafter appear, it became a subject of frequent and important reference, when the legality of lord Durham's ordinance was brought under the consideration of Parliament.

The bill was read a third time on the 29th of January, when Messrs. Hume, Warburton, and Grote repeated their protestations against

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\* The amendment as definitively introduced was as follows; "nor shall it be lawful by any such law, or ordinance to repeal, suspend, or alter any provision of any act of the parliament of Great

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Britain, or of the parliament of the United Kingdom, or of any act of the legislature of Lower Canada as now constituted, repealing, or altering any such act of parliament."

the severity of its coercive provisions. Upon a division the ayes were 110; noes 8; majority for the bill 102.

The Bill came before the House of Lords, for the second reading, on the 2nd of February. Lord Brougham opposed it in a speech of great length, and in his customary tone of acrimony. Lord Aberdeen, too, while he supported the measure, expressed in unqualified terms his contemptuous censure of the conduct of the Government. Perhaps the happiest part of Lord Brougham's oration was that in which he reminded the House of that passage in Spanish colonial history which embraces the revolt of the Pizarros, and the consequent mission of Pedro de la Gasca—so similar in its nature and its preliminary circumstances to that of Lord Durham.

These repeated and violent attacks seem at length to have exceeded the patience of Lord Melbourne. He had long, he exclaimed, expected the outburst of the noble and learned Lord. He knew it must come—that the spirit of bitterness, and acerbity of feeling, which took its birth in the noble Lord's mind in the beginning of 1833, must break out at last. He thanked him for his support in 1835—he thanked him for his absence from the House in 1836—for his less active support in 1837, and he felt no irritation at the very different tone which the noble and learned Lord had so reluctantly adopted in the present session. Lord Brougham had in language of the fiercest invective, held up the conduct of Sir Francis Head to public detestation. Lord Melbourne remarked that unquestionably the despatches of that gentleman might be considered as somewhat over chival-

rous in tone, and as exhibiting a mode of proceeding a little hazardous. He agreed that if they were to judge entirely from the expressions used by Sir F. Head, he would appear to have given encouragement to those crimes which possibly a different line of conduct might have prevented. But it must be considered that these expressions were cast in the epigrammatic style which Sir F. Head was known to admire. But it was to be remembered that a preventive or precautionary course was not very popular; that a man ran great risks in pursuing it—and though he could not acquit Sir Francis of imprudence, yet, in all probability, had he interfered earlier, he would have been charged with having done so without any reason whatever.

With respect to the aggressions of the people of the United States, Lord Melbourne informed the House that these proceedings were entirely discountenanced by the Government of that country, and that the most satisfactory assurances had been received of its determination to preserve a strict neutrality.

Lord Brougham replied to Lord Melbourne in a tone of great excitement. He denied that he had changed his principles, the changed conduct of others had compelled him to oppose them. Let the ministers retract their declaration against reform, delivered the first night of this session—or let them bring forward truly liberal measures, and they would have no more zealous supporter than himself—in the mean time, cried the noble Lord, “I hurl my defiance at his head! (Lord Melbourne's) I repeat it—I hurl at his head this defiance—I defy him to point out any the slightest indication of any one

part of my political conduct, having even for one instant, been affected in any manner by feelings of a private or personal nature."

The Duke of Wellington reproduced many of the objections that had already been brought forward in the other House, to the proposed representative convention. He particularly dwelt on the hardship to Upper Canada of bringing that province, as well as the revolted one, within the operations of the proposed instructions.

Lord Wharncliffe, after censuring the conduct of ministers generally, gave a reluctant assent to the bill; but said he did not expect a great deal from Lord Durham's mission.

On the 5th of February, Mr. Roebuck, on Lord Brougham's motion to that effect, was heard by the House at great length as agent of the House of Assembly of Upper Canada. In concluding his address, he reserved to himself the right of calling, at a future stage of the bill, evidence to prove the various facts which he had stated in the course of his speech. Lord Brougham expressed a doubt, whether such evidence was to be received at the bar as a matter of course.

On the 8th of February, the bill came on to be read for the third time.

Lord Ellenborough rose to oppose it. He thought it by no means followed, from the present state of things, that the Legislative Assembly could not meet for the benefit of the public service. Had there ever been a time when the people of Lower Canada, suffering as they were, under the effects of rebellion, would be more disposed to accept the alterations proposed by the Imperial Parliament? His opinion was, that by acting on the bill itself, they would lose the

only opportunity which they were likely to have of making a permanent settlement of the affairs of Lower Canada.

Lord Ashburton animadverted on the rapid manner in which the Governors succeeded each other in the Canadas. Sir John Colborne had been removed to make way for Sir Francis Head, Sir Francis Head for Sir George Arthur, Sir George Arthur would retire before Lord Durham's supreme authority. His Lordship suggested for the consideration of ministers, whether there could not be left to Lord Durham the power, if he thought proper, of again calling together the Assembly of Lower Canada.

Lord Mansfield, in the course of a long speech on the general question, said that he believed a great portion of her Majesty's subjects of large landed and other property, and extensive influence, did feel there was a kind of incapacity in the present ministers from which they anxiously desired to be delivered. He regretted that the Duke of Wellington and Sir R. Peel did not take more active measures of opposition.

The debate was prolonged by speeches from Lords Lansdowne, Brougham, Melbourne, and Fitzwilliam. The bill was then passed. Lords Ellenborough, Fitzwilliam, and Brougham, entering, on somewhat different grounds, their protest against it on the journals of the house.

The more important provisions of this bill were in substance as follow. The constitution of Lower Canada was suspended till November 1840. Her Majesty in council was empowered to constitute a special council, and to appoint, or authorize the Governor to appoint, such and so many special



councillors, as she might think proper. It was declared, that until November 1840, it should be lawful for the Governor, with the advice and consent of the majority of the said councillors convened for the purpose, to make such laws or ordinances for the peace, welfare, and good government of Lower Canada, as the Legislature of that province, at the time of passing the act, was empowered to make: and that all laws or ordinances so made, subject to the provisions thereafter contained for disallowance thereof by her Majesty, should have the like force

and effect as laws passed before the passing of the act by the legislative bodies. The Governor was to have the initiative of all measures proposed to the council, five of whom were required for a quorum.

Then followed certain restrictive provisos before noticed.

It was then directed, that a copy of every such law or ordinance be transmitted to the Home Government, and her Majesty was empowered, by an order in council, at any time within two years from the receipt thereof, to disallow the same.

them, has been materially aggravated by the confusion in which certain obscure clauses of the reform bill have left the law of elections, and which it only requires a few declaratory enactments to remedy. Much, too, is assignable to the nicely balanced state of parties, which both renders every vote of the greatest importance, and lends fresh activity to political passions. The abuse complained of, has been of late rapidly progressive, and has now reached its height. Indeed it would not be easy to speak with exaggeration of a system, under which a gentleman learns to consider it to be his duty to vote for his party on every issue, whether of law or of fact: so, that in the words of a legal writer on the subject, "The decisions of every man upon oath, in a matter involving much subtle disquisition, and diversity of opinion, is absolutely predetermined according to his political creed."

The famous question of opening the Irish registries, for instance, turns entirely upon the construction of certain acts of parliament, yet, being a mere point of law, it has been distorted into an affair of party, in which the conservatives maintain the affirmative, and their antagonists the negative, side. The grounds of controversy on this subject, are shortly, as follows. By the Irish election law, the registering barrister is bound to investigate every claim to vote, whether objected to or not. Should he deem the claimant entitled, he supplies him with a certificate to that effect, and such certificate is conclusive of the right of voting, nor does any appeal lie against this determination, when favourable to the voter. On the other

hand, should the revising barrister reject the claim, his decision is open to the revision of a jury on a point of value, and of the judges of assize on any other ground. The question, therefore, is, whether the admission of voters to the registry by the barrister ought to be deemed absolutely conclusive of their right, or whether the registry may be opened by the committee, either partially or entirely, as the case may require, with a view to an inquiry into the disputed qualifications.

As early as the 21st of November, 1837, Mr. C. Buller, who had been chairman of a committee to which the consideration of the system of election committees had been confided, obtained leave to bring in a bill similar in its provisions to one which had been in the hands of members in the preceding session, though it had never come under discussion. This bill, in its original shape, provided, that three assessors, barristers of seven years' standing should be appointed by the Speaker to act as chairmen of election committees for the session only, and as a court of appeal from the revising barristers on matters of law. Afterwards, while the bill was in progress through committee, it was thought better, that the *first* assessors should be named in the act itself, and the future appointments be placed at the disposal of the Speaker, subject to the confirmation of the House. These functionaries were to hold office till dismissed by the Crown upon the address of the House, and were to receive 2,500*l.* per annum for their services.

On the same day, Mr. O'Connell informed the House, that he likewise had devised a plan which

he was anxious to submit to its consideration, and, accordingly, the learned gentleman obtained leave to bring in a bill for a similar purpose. Mr. O'Connell's scheme would transfer the main part of the jurisdiction now exercised by the House, to the Court of Queen's Bench. It provided, that the Speaker was, in the first instance, to name a committee of five, who, when they had considered the case, made by the petition, and had heard counsel on both sides, should define the points at issue between the parties and report them to the House. The Speaker should then refer the matter by his warrant to the Court of Queen's Bench, and the issue be tried before the chief justice, a special jury, and the five persons composing the before-named committee. The decision of the jury would determine the right to the seat.

It is possible that, if the House could be brought to part with a jurisdiction, which at present it exercises so much to the prejudice of all parties concerned, the principle of Mr. O'Connell's plan might be adopted with success. But the House of Commons has evinced no such disposition. And Sir R. Peel, though, in the first instance, he seemed, at least, not unfavourable to the project of stripping that assembly of its constitutional right of deciding upon election petitions, found it expedient to assimilate his views to the prevailing opinion.

Mr. Buller's bill came on for the second reading on the 27th of November. Lord Stanley, in opposing it, remarked that he thought the fault was less in the tribunal than in the law, and suggested the appointment of a committee, consisting of men of the greatest eminence among them, who might ex-

amine the conflicting decisions of former committees, and lay down general rules of law and practice which should finally be affirmed by a declaratory act. With a view to a fuller consideration of the subject, he moved that the second reading be postponed till the 12th of May.

Mr. Williams Wynn approved of the establishment of such a court of appeal as was proposed by the present bill, nor did he object to the scheme of assessors, though he felt a difficulty as to the mode of their appointment. He declared solemnly that he believed the imputations cast upon the members of election committees to be most unfounded.

Mr. O'Connell, having intimated his intention of abandoning his own bill, said it was notorious that, when a committee was to be ballotted for, there was a canvass on each side, and that the decision might be predicted as soon as the result of the ballot was known. He cited the case of Carlow, where three different committees had come to three different decisions on the question of opening the register. The first settled that the register should not be opened—eleven hon. members, on their oaths, came to that decision. On another committee, eleven hon. members decided on their oaths that the same register should be opened. It was then thought that the possible differences between the committees were exhausted—but no—a third committee decided that the register should be opened partially. There was no man, he was sure, who heard him, who was not convinced, that a worse species of tribunal than an election committee there could not be.

Lord John ; Russell recom-

mended that the bill should be read a second time, thinking it at least provided *some* remedy for the evils complained of. The alleged mal-practices of committees were, he thought, rather assignable to the ignorance than to the corruption of members. Where a man was well-informed on the different questions, he would be withheld by the fear of committing perjury, from giving a wrong decision.—The house divided, when there appeared a majority of 214 to 160 for the second reading.

On the 23rd. of November, Lord John Russell, in reply to an enquiry from Lord Stanley, as to whether he intended, as was rumoured, to defer to take the election petitions into consideration, until after an alteration in the law on the subject should be effected? remarked, that it was impossible for him then to say, that, before the expiration of fourteen days, there might not appear, in certain quarters, such an intention to set aside a great number of obviously fair and legal elections, as might amount to a perversion and abuse of the existing law. And he intimated that if that case could be plainly made out, the subject would afford matter of grave deliberation for the House.

Lord John Russell was here alluding to the petitions which, it was expected, would emanate from the Spottiswoode fund—the origin and object of which are noticed in our preceding volume,\* and which formed a topic of subsequent discussion, to which we are about to advert.

On a subsequent day, however, (December the 6th.) he admitted

that he did not find that the number of election petitions, in the present year, was such as to warrant any extraordinary measure in regard to them. He did not perceive that there was “any such great cluster of petitions of any one particular kind,” as to make it clear that they were the result of mere combination to present them, without the existence of any reasonable ground of complaint. In 1831, there were fifty-seven petitions; after the dissolution in 1832, there were forty-nine; in 1835, there were forty-two; and in the present year, up to the present time, they did not exceed sixty-seven.

On the 6th of December Mr. William Smith O’Brien, one of the members for the county of Limerick, presented a petition—himself being the petitioner—complaining of the Spottiswoode subscription, as directed against freedom of election in Ireland. It likewise alleged that a member of the House, Sir Francis Burdett, had compromised himself by subscribing to the fund and becoming a party, where he might be called on to serve as a judge. The motion that this petition be printed led to a lively debate, in which Sir Francis Burdett defended himself with great spirit. On a division there appeared, ayes 234; noes 203; majority for the printing 31.

Mr. Blewitt, (member for the borough of Monmouth), then moved, according to notice, certain resolutions, declaring the Spottiswoode fund to be a breach of privilege, and an offence at law; and proposing to refer the subject to a committee of privileges. The hon. Gentleman, however, found it expedient to withdraw the whole of his resolutions, though not before the House had contrived to compron

its character for decorum by some very tumultuous proceedings on certain points of order arising out of the discussion. The nature of these may be appreciated from what fell from the Speaker, on the following evening. After commenting in a tone of temperate rebuke on the insubordination of the House on the previous night, he proceeded to say, that he could only give the House the assurance, which he did most solemnly, that if he again saw a similar indication, he should think the time had come which, had he followed the dictates of his own judgment, and his own desires, would have occurred before, when he ought to relieve himself from the duties which then devolved upon him.

On the same evening (the 7th, of December) a long debate ensued upon Mr. W. S. O'Brien's motion, to refer his petition on the Spottiswoode affair to a select committee. Towards the close of the discussion, Mr. Harvey moved, as an amendment, that a select committee be appointed to consider the means by which the expenses of contested and controverted elections might be diminished.

Sir W. Follett, perhaps, disposed of Sir Francis Burdett's share of the question, when he shewed that the practice of subscribing to election petitions, whether strictly defensible or not, was too common on all sides of the house to be properly the subject of imputation against any individual member. Among other instances, he reminded the House, that in the preceding April, when there was no immediate election in prospect, and when there could be no consideration of the merits of the several petitions, Mr. O'Connell proposed in Dublin "An anti-Tory petition and anti-

petition fund," to which each Irish "liberal" member should contribute 50*l.*, Mr. O'Connell offering to head the list with a subscription of 300*l.* for himself and three sons, all at that time in parliament.

The Attorney-General was of opinion that the subscription amounted to what, in law is called "maintenance," which consists in an interference by money, or other aid, to forward a suit wherein the contributor has no interest. And he cited a decision of Lord Chancellor Rosslyn's, which certainly strongly countenanced his proposition. But in effect, the law regarding maintenance is all but obsolete; and the learned attorney's objection was, besides, of too technical a nature to be appreciated by the House, or the public.

In general, those who censured the subscription were driven to found their accusations on the generality of its aim. "A single offence, a single act," said Mr. O'Connell, "might not be illegal, but when that act was spread over a wide surface and made to assume the shape of a combination," it became conspiracy and a crime.

On the other hand, it was contended, that honest men might fairly combine to promote the law, since men of another description had conspired to defeat it. There was already an unprincipled combination to keep men out of parliament who ought to be there, and to introduce others who, but for intimidation, would never have been seen within its walls. With respect to the Attorney-General's doctrine of maintenance, Sir Francis Burdett reminded the House, that it was a common thing throughout England for honest persons to combine to enforce the infliction of public

punishment. There was not a county in which persons did not subscribe to a fund for the purpose of bringing felons to trial.

Lord John Russell very wisely remarked, that whatever might be the political or moral character of this combination, it would be found difficult to proceed against it on the grounds that had been suggested. If the House were to take notice of it as illegal, and an attack on their privileges, they ought to call in question every subscription that had been raised for contested elections in the country. Whatever might be the principle of the case, he felt the difficulties of applying it to be insurmountable, and thought that the subject had better be dropped. He, therefore, could not support either the original motion, or Mr. Harvey's amendment.

The part taken in these proceedings by Sir Francis Burdett, subjected him, as might be expected, to the charge of apostacy, which in no very measured or courtly terms was preferred against him in the course of the debate, by Mr. O'Connell and others. He found, however, a ready advocate in Sir Robert Peel, who urged that, though the hon. Baronet had often assailed in violent language the usurpation of the Peers and of the borough-mongers, he had never desired to invade the privileges of the other branches of the legislature; and now reform in parliament having been accomplished, there was no inconsistency in his opposing measures, which implied encroachments on the monarchy and the peerage.

Sir Robert Peel having called for a division on the main question, the sense of the House was first taken on Mr. Harvey's

amendment, which was rejected by a large majority. The original motion was then put and negatived by a majority of 331 to 121.

The acknowledged misconduct of the election committees gave occasion to a series of strange proceedings, which it might be wished had never been forced upon the House of Commons. On the 23rd of February, Lord Maidstone read to the House from the Morning Chronicle newspaper an extract of a speech of Mr. O'Connell's at a public dinner given to that gentleman a couple of days previous. The language was certainly strong, and vituperative, but was perhaps not remarkable, as coming from the lips of the member for Dublin, who appears on that occasion in his usual coarse manner, to have charged the Tory committees of the House of Commons with "foul perjury."

Lord Maidstone, having read the passage, asked Mr. O'Connell if the report was substantially correct? "Sir," said the learned gentleman, "I did say every word of that! and I do repeat it, and I believe it to be perfectly true. Is there a man who will put his hand upon his heart, and say upon his honour, as a gentleman, that he does not believe it to be substantially true? Such a man would be laughed to scorn."

Lord Maidstone then announced, that, on the following Monday, he should direct the attention of the House to the subject.

Upon this, Lord John Russell gave notice, that should that complaint be entertained by the House, he should bring forward, on the same day, the allegation of perjury made by the bishop of Exeter against certain members of



House.\* A strange and inconsiderate menace on the part of the noble Lord, the effect of which was only to entangle him in gratuitous difficulty.

Pursuant to his notice, on the 26th, Lord Maidstone moved for a vote of censure against Mr. O'Connell. The clerk at the table having read the entire speech complained of, Mr. O'Connell rose and, it must be admitted, very satisfactorily established the fact, if nothing besides, that out of doors, the members on election committees were in very ill-repute, and that the dissatisfaction was not without some foundation. For every election committee, as all the world knew, there was a canvass, and he dared any of the members who came down to the house, on such occasions, to say that he came there in discharge of his conscience. The present system reminded him of the judge in Rabelais, who decided a case by throwing three dice for the plaintiff, and but two for the defendant. He affirmed that he would rather take the dice box into his hands at once—go to the table, and cry “seven’s the main,” than take his chance in a committee of that house!

Lord Howick could not justify the language complained of, and admitted that nothing was imputable to one side, which was not

equally imputable to the other. He argued, however, that there was no deliberate perjury, only a certain bias.

Lord John Russell pointed out the difficulties which would arise from declaring the language a breach of privilege, by reason of the ulterior proceedings which might ensue—such as a necessity for commitment, and so forth. As to his own notice about the Bishop of Exeter, he said, that, he had only given it as a warning how dangerous such discussions might become. An announcement which was received with cheers of derision by the Opposition.

The Chancellor of the Exchequer admitted, that a breach of privilege had been committed, but thought it better that the matter should be allowed to drop.

The House divided on the question that Lord Maidstone’s motion be put. Ayes 263; Noes 254: Majority 9. Ministers voting with the minority. The main resolution then was put, and carried, viz., “That the expressions of Mr. O’Connell’s speech containing charges of foul perjury against members of this house, in the discharge of their official duties, was a false and scandalous imputation, upon the honour of the house.”

A violent discussion took place before the second part of the motion was put to a division,—viz., that Mr. O’Connell, having avowed that he had used the said expressions, had been guilty of a breach of the privileges of the house.” Several Irish members intimated their entire concurrence in the offensive language, and their readiness to share the consequences. The resolution was carried. Ayes 293; Noes 85: Majority 208. Upon this occasion, the ministers,

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\* The obnoxious passage occurs in a charge to the clergy, delivered by the bishop at his visitation in 1836, when in reference to the Irish church temporalities bill, he said “In the discussion of the measure in Parliament, I felt it my duty to rest my resistance to it on this point—to denounce as treachery aggravated by perjury such an exercise of rights acquired under an oath, not to weaken or disturb the Protestant religion.”

with the exception of Lord John Russell, whose name does not appear on either side, voted with the majority.

Lord Maidstone followed up his victory by moving that Mr. O'Connell be reprimanded in his place by the Speaker.

Lord John Russell said, that after what they had heard, merely to reprimand Mr. O'Connell was a most faint-hearted and pusillanimous mode of proceeding. Had this been the case of a miserable printer, they would have sent him to prison. But Mr. O'Connell was too formidable to be so dealt with; what then he asked would be the effect of their resolution? It would operate as so much waste-paper, and to-morrow they might have some hundred members all reiterating in their places the scandalous expressions. And he characterized the whole affair as one of extreme folly.

Another turbulent discussion ensued, and ended in the adjournment of the House. On the following day the debate was resumed. Upon a division, the numbers were, for the reprimand 226; against it 197; Majority 29. Here again the Ministers are found among the minority.

The next day the 28th, Mr. O'Connell being in his place, was desired by the Speaker to stand up. The Speaker then, with considerable dignity of language, administered a grave and measured rebuke, to the hon. and learned gentleman, who, as might be expected, received it with supreme indifference, and on the conclusion of the Speaker's admonition, rose to give notice of his intention of moving for a committee to investigate the subject generally; he finished his speech in these words, "I have

repented of nothing, I mean not to use harsh or offensive language, I repeat what I have said, but I wish I could find terms less offensive in themselves and equally significant. I am bound to reassert what I before said, for I am convinced of nothing by a vote."

Early in April, the House found itself involved in another situation as undignified as the former. Mr. Poulter, the late member for Shaftesbury, having been unseated by a committee, addressed a letter to his constituents, on the subject, containing such passages as the following, "The printing of the evidence, by order of the House, will, I trust, exhibit to you and to the world, the full particulars of this flagrant and wicked case." "The ignorance of the committee," is represented as being "only second to their corruption." And the writer proceeds to say, "that his seat was as completely filched from him, as ever a purse was stolen from a person on the common highway."

Mr. Blackstone, who had been a member of the committee thus reviled, very indignantly brought the subject before the House.

Mr. Poulter was ordered to attend at the bar, on a certain day. The learned gentleman accordingly made his appearance before the House, and admitted the authorship of the address in question. Having made a speech in vindication of himself, he withdrew, and was subsequently called in, and asked by the Speaker if he would retract the offensive expressions contained in his letter.

Mr. Poulter said, that without imputing *pecuniary* or *base* corruption to members of the committee, he was bound to say, that he should ever regard his seat as

taken from him on political grounds alone.

This not satisfying Mr. Blackstone, it was proposed, after some warm discussion, that Mr. Poulter, whom ministers were anxious to screen, should be called in and censured. The motion to that effect was carried by 122 to 120.

The House then divided on the question for adjourning the matter for a week; when Mr. Poulter's friends had a majority of 122 to 116, and the subject was permitted to drop.

On the 2nd of April, we find the House again occupied with the subject of controverted elections. On the motion for the recommitment of Mr. C. Buller's bill, Sir Robert Peel rose, for the purpose of bringing the subject generally before the House, and of submitting to their consideration a proposition of his own. He expressed himself as strongly of opinion that the House should not part with the jurisdiction, as well, because there were constitutional objections to the transfer, founded on the practice of a very early period, as on account of the difficulty of establishing a new tribunal. He had found that all assemblies, corresponding with the House of Commons in character, were in the practice of adjudicating for themselves in these matters, and he cited, in particular, those of France and the United States. The following is an outline of the right hon. Baronet's own scheme. The Speaker was to nominate a committee, which he should call "a general committee for elections," and which should consist of four or six, or some such limited number. To this committee, which he was sure would be impartially constituted, he should leave the duty of ap-

pointing select committees, by whom election petitions were to be tried. These last committees might consist of seven or perhaps nine, and each was to have the aid of an assessor who should be its chairman, and in all respects on an equal footing with the members of the committee. These assessors were not to be permanent, but employed as occasion might demand. He was not favourable to a court of appeal. There was to be no attendance of members at a ballot; and the operation of chance was entirely excluded.

Mr. O'Connell still adhered to his former opinion, that it would be advisable to take the adjudication of these contests out of the present hands, and to transfer it to the judges. He moved, as an amendment, that Mr. Buller's bill should be referred to a select committee, who might report upon the subject at large.

In the course of the discussion, it was observed by Lord Stanley, that, of twenty-six committees, only six had reported against the political party to which the majority composing them belonged. The great mischief, he repeated, consisted in the complicated state of the law, and he desired to see a select committee for the purpose of defining the unsettled questions. He moved that Mr. Buller's bill be considered that day six months, proposing that a committee should be appointed to examine the conflicting cases, and to report on a mode of giving uniformity to the law.

Mr. Sheil approved of Sir R. Peel's plan, but thought that party-spirit would stand in the way of their obtaining a declaratory act, since on some questions—the opening the Irish registries for instance—the two parties in Parliament

were systematically opposed to each other.

Mr. O'Connell's proposal was negatived on a division; and Mr. Buller consented to postpone his measure.

On the 10th of May Sir Robert Peel moved for leave to bring in his bill, having, on further consideration, dropped that part of the scheme which established assessors.

The Attorney-General thought that all that was necessary was to repeal the Grenville Act, "and they might then go on making one experiment after another, until they arrived at some plan that would give universal satisfaction." To give effect, however, to their jurisdiction, he remarked, that they would require the power of administering an oath, and of awarding costs, neither of which acts the House of Commons was at present competent to perform.

After a variety of opinions had been expressed upon the subject generally, leave was given to bring in the bill.

The Freemen and Parliamentary electors bill, which had dropped in the preceding session,\* was reintroduced before the Christmas recess. It will be remembered, that it had two objects, the one to relieve householders, entitled to the elective franchise, by extending the time fixed by the reform bill for payment of their rates and taxes, from April to October. The other, to remove the stamp duty payable by freemen on their admission. The former branch of the bill met with considerable opposition on the Conservative side of the house.

As soon as it got into committee,

Mr. T. Duncombe moved an amendment, which would have, in effect, altogether repealed the rate-paying clauses of the reform act. At the time that bill was passed, they were told, he said, that of the 500,000 additional men called into electoral existence in Great Britain, London would have 95,000; whereas it had at present but 74,000. Mr. Warburton, Colonel Evans, and Mr. Hume, supported the amendment. The latter remarked that, during the last Westminster election, he saw some dozen persons who were prepared to vote for Mr. Leader if the committee would pay their taxes, and he had reason to believe, that their votes were eventually procured by the conservatives.

Unfortunately for the effect of this story, Lord John Russell took the trouble of reminding the hon. relator of it, that before men could vote, their names must be on the registry, and before those names could get there, the parties must, antecedently to a certain day in July, have paid all the taxes due previous to the preceding 5th of April. It was difficult, therefore, to conceive how the case mentioned by Mr. Hume could have occurred. His Lordship could not agree to the amendment, which was also opposed by Mr. Clay and Mr. Praed. On the other hand, Messrs. Gillon, Hali, J. Jervis, Leader, and C. Buller, expressed their regret that ministers should oppose the proposition. Lord Ebrington, too, seemed favourable to its principle, though he considered that in its present shape it only impeded the progress of the bill.

The amendment having been rejected by a majority of 206 to 107, the original clause was put, and carried by 214 to 118. The

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\* See last volume, p. 125.

other clauses were then agreed to.

At a subsequent stage of the bill, Mr. Jervis moved, that a clause be inserted relieving electors from the charge of a shilling which was at present paid at the time of registration. Lord John Russell said, that he had no objection to the repeal of the payment, but that he did not think this the proper time for mootng the subject, upon which Mr. Jervis withdrew his amendment.

On the 19th of February, the bill came on for the third reading. Sir Robert Peel condemned it, as involving a serious infraction of the great principle understood to be settled when the reform bill was passed. Pecuniary ability and residence were the qualifications fixed upon by the framers of that bill, after mature deliberation. He called the attention of the House to the progress of the remission of those taxes which had formed an element of the electoral qualification in 1832. The house tax had been repealed entirely, the window tax by nearly one half. And the parochial rates, which in 1833 amounted to 8,000,000*l.*, now came to little more than half that sum. And after all this reduction, the noble Lord came forward with the concession of twenty weeks additional indulgence to the 10*l.* householders for the payment of what remained of the rates and taxes.

Lord John Russell, on the other hand, contended that such objections implied a pedantic adherence to the letter of the reform bill, which had, however, already been in many points altered, without any supposed violation of its fundamental principles — changes had been made, for instance, in the regulations relating to polling-places, and to the duration of elec-

tions, and another was in agitation with respect to the payment of the registration shilling.

Sir William Follett, however, pointed out the obvious distinction between mere alterations in the machinery of elections, and modifications of the elective franchise. The bill was then passed by a majority of 189 to 172. But it was rejected in the House of Lords on the second reading, on the 8th of March. The House of Commons, nevertheless, passed another bill conceding the desired relief to the freemen alone, but the session came to a close before the Lords were called upon to take it into consideration.

On the 15th of February, Mr. Grote made his appearance with his annual motion for the ballot. Our readers are by this time too familiar with all that can be said on the subject, to render it desirable that we should load our pages with an abstract of the arguments on either side. The debate, however, was expected with considerable interest, on account of the prevailing impression, that the question was becoming an element of disunion in the "reform" party. And we shall notice so much of the discussion, and the subsequent division, as was of a more personal nature, or might be considered explanatory of the sentiments and conduct of members immediately connected with government.

Mr. Ward, the seconder of the motion, after observing that Lord John Russell's declaration, at the commencement of the session,\* respecting the ballot, the extension of the suffrage, and the duration of parliaments, had given a

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\* See last volume, p. 392.



more than common importance to the debate, said that the people were anxious to see how far the other members of the administration were prepared to identify their opinions with those of the noble Lord. For instance, there was Sir John Hobhouse, once, as all the world knew, an admirer of the ballot, he had represented Westminster, and his change of opinion would, if such had taken place, at least tend to shake the opinions of the country in favour of public men. For similar reasons, he observed, the course adopted on this occasion by Mr. Poulett Thomson, Sir Hussey Vivian, and Sir Henry Parnell, would be attentively watched by their constituents and by the country. And he expressed his conviction that anything like a government opposition to the measure would "have for its effect the production of a new combination most important to the country and to that House."

Mr. E. L. Bulwer, in the course of an elaborate speech in favour of the motion, said he owed it to that attachment to literature which had brought upon him the sarcasm of the hon. member for London the other night, that he could say, with men of much higher station and wealth, that he was independent of official temptation. But I confess, said he, that it is my weakness to prefer the emoluments and the distinctions that are open to me in another career, to all the more dazzling honours that a minister can bestow. I shall not, then, be accused of speaking for myself, when I ask her Majesty's ministers to consider the numbers, the energy, the talent in their own party, by which this question is supported. Can they turn round to the vast majority of their friends, and say,

"we accept your support, but we proscribe your opinions—you shall never hope for a participation in power unless you leave your sentiments behind you?"

Lord John Russell, again stated his general objections to the change; he admitted, indeed, that the evils now existing were of extensive operation, but he did not think it impossible to propose a remedy, that might have some considerable effect. So long, however, as gentlemen felt themselves bound to carry the ballot out, he feared that any other remedy would be despised by them, and it would be useless to propose it.

Sir Robert Peel, in a speech of considerable power, applied the leading arguments against the system of secret voting with great precision and effect. In the course of it he produced the following striking passage from Pliny's letters descriptive of the voter by ballot.—

*Poposcit tabellas—stilum accepit—demisit caput—neminem veretur—se contemnit."*

On the division, the numbers were, ayes, 198; noes, 315.\* Majority against the ballot, 117.

The course pursued upon this occasion by certain members of the House who were closely connected with the administration, was, as Mr. Ward had hinted it would be, worthy of remark. Although four cabinet ministers—Lords Howick and Palmerston, Sir John Hobhouse and the Chancellor of the Exchequer voted with Lord John Russell, yet Mr. Poulett Thomson, President of the Board of Trade; the two Attornies-general; the Lord Ad-

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\* Of these 315 members 254 were conservatives and the remaining 61 ministerialists.



vocate; Sir George Grey, the Colonial Under-secretary; Sir Henry Parnell, the Treasurer of the Ordnance; Mr. J. Parker, a Lord of the Treasurer; and Mr. E. J. Stanley, the very *whipper-in* of the Whigs, absented themselves from the division; while Mr. Bernal, the chairman of committee; Mr. Robert Steuart, a Lord of the Treasury; and Sir Hussey Vivian, Master-General of the Ordnance, voted against the ministers. It will not be wondered at, that, for some time afterwards, rumours of ministerial discords and resignations, were very current.

A few days after the question of the ballot had been thus disposed of, Mr. Slaney moved for leave to introduce a bill for the protection of voters, by making it penal, and a misdemeanour, with a summary process before magistrates, for any landlord, customer, master, or other person to interfere with the independent exercise of the elective franchise.

The motion, as it regarded merely the bringing in of a bill, met with the support of ministers, and of certain very thorough-going conservatives. On the other hand, Mr. Warburton and Mr. Hume derided the proposal as a mockery of legislation, and Lord George Bentinck went so far as to pronounce "the nostrum proposed in the bill to be nauseous and inefficient." The motion was carried by a majority of 50 to 23.

On the 23rd of February, Lord Melbourne, on presenting a petition from Leith, in favour of the ballot, professed himself to be very adverse to that mode of voting, and stated his conviction, that, without mitigating the evils it was intended to cure, it would introduce others of a "still more an-

noying nature." At the same time, he admitted that there was too much reason for the feeling which prevailed in the country in favour of any change which offered the smallest hope of relief from the oppression at present practised upon voters. The measure in question was certainly advancing in public opinion; and no wonder, since, at the recent elections, intimidation, and the power which wealth and station give to one man over another, had been exercised in a more reckless and unscrupulous manner, than had ever before been witnessed.

The Duke of Wellington, after remarking, that "the consequence of the transactions of late years had been, to render the possession of political power by individuals in different parts of the country more desirable than it was years ago;" proceeded to say, that Lord Melbourne had complained that undue influence had been exercised with regard to tenants and tradesmen. "Now," continued the duke, "I have been a good deal in the world, my lords, and I know of no such thing. I know a great deal of the exercise of influence of another description. I hear a great deal of it; I see much evidence of it. I mean the exercise of priestly intimidation in a neighbouring country, where riots are invariably excited in the course of every election. But, with regard to that species of influence which has been alluded to—the exercise of what I must call the improper influence of men of property over their dependents—I know of none such, and, so far as I am concerned, I always beg that it may never be used."

Lord Brougham observed, that it had always been his opinion,

that the ballot would afford little, if any, protection as between landlords and tenants; but the case was different in towns, where it was unquestionably required, and where it could not fail to be efficacious. He felt bound in justice to the Duke of Wellington to say, that, as regarded official influence, perhaps less had been exercised by the Government over which the noble duke had presided, than by any other within his recollection.

It may be observed, in this place, that a bill was introduced by Mr. Warburton, and passed in the course of the session, which had for its object to extend to personal property, the privilege, hitherto confined to real, of conferring a qualification for Parliament. By this enactment, an estate for life, or for the life of another; or a term of years, of which thirteen shall be unexpired at the time of election; or personal estate and effects of any kind, within the

United Kingdom, or the interest or dividends of such, may constitute either the whole, or part of the sum required to qualify a member. In the amount no alteration was made. By another clause of the bill, every member, before he takes his seat, is required to deliver to the clerk, while the House is sitting, a paper signed by himself, and containing a statement of the real or personal property, whereby he makes out his qualification; and to subscribe a declaration, that to the best of his belief, he is duly qualified to be elected a member of the House. To make a false declaration is declared to be a misdemeanour; and the election becomes void if the member sits or votes without complying with the provisions of the Act. The members for the Universities, and the eldest sons of peers, and of persons qualified to be knights of the shire, are of course excluded from the scope of this statute.

## CHAPTER V.

*Sir William Molesworth's Motion against Lord Glenelg—Lord Palmerston defends the Colonial Secretary—Lord Sandon's Amendment—Lord Stanley's attack on Lord Palmerston—Mr. Warburton's disapprobation of the Motion—Sir George Grey—The Chancellor of the Exchequer—Sir Robert Peel's taunting Speech—Lord John Russell—Sir W. Molesworth withdraws his Motion—Division on the Amendment—Revival of Anti-Slavery agitation—Lord Brougham's conduct on the Slavery Question—His Speech on the Slave Trade—Lord Glenelg's admissions on that Subject—Lord Brougham's Resolutions and Speech in favour of the immediate Emancipation of the Negro Apprentices—Lord Glenelg opposes the Resolutions—Division—Lord Brougham's Resolutions and Speech on the Importation of labourers to the West Indies from the East—Orders in Council on that Subject—Lord Glenelg's Explanation—Duke of Wellington's Suggestions—Division—Sir George Strickland moves the Abolition of the Apprenticeship in the House of Commons—Sir George Grey opposes the Motion—Dr. Lushington supports it—Lord Howick's Disclosure respecting Lord Brougham—Lord John Russell—Mr. Gladstone—Motion Negatived on a Division—Sir Eardley Wilmot repeats the Motion, and carries it on a Division—Declines to take further steps—Abolition of Slavery Amendment Bill—West India Prisons Regulation Bill.*

**T**HE events which had taken place in Canada naturally attracted the public attention to the conduct of that department of the state, which was more immediately responsible for their occurrence. There could be no question of the superior intelligence and extensive information of the nobleman charged with the colonial office; as little difference could exist as to the singular purity and integrity of his private character. But

it had become popular, we know not with how much reason, to impute to him a disposition to inertness and delay in the business of his department, which in a great degree impeded the usefulness of his other qualifications for the management of it, and to this, his adversaries were fain to ascribe no small portion of the untoward circumstances which at present beset the affairs of the Canadas.

Early in March (the 6th) Sir

William Molesworth with a view to bring the whole colonial administration of the empire before the consideration of the House of Commons, moved, that an address be presented to her Majesty respectfully expressing the opinion of the House, that, in the present critical state of many of her Majesty's foreign possessions, the colonial minister should be a person in whose diligence, activity, and firmness, the House and the public may be able to place reliance ; and declaring that her Majesty's present Secretary of State for the colonies does not enjoy the confidence of the House or the country.

This motion excited a good deal of interest, as being one, on which the two great parties, who divide Parliament, were likely to meet with a fair opportunity of measuring their strength. It was understood that the conservatives, at a great meeting of this body held at Sir Robert Peel's, had come to the determination of taking a course which would ensure a demonstration of their own strength, unassisted by straggling votes from any of the opposite sections, the result of which, if it did not occasion the fall, would at least expose the weakness of the administration. For at present, it was no part of Sir Robert Peel's policy to force his way into power, or rather into office, and he seemed satisfied to exercise a contemptuous control over the measures of the men, whom he could at any moment overthrow.

Sir William Molesworth prefaced his motion by a speech of two hours' duration. The hon. Baronet's observations were not of a party character, nor directed to any very distinct object. They were rather in the nature of a dissertation on Colonial policy, em-

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bracing a wide survey of our dominions in either hemisphere ; and they deserve to be commended as well for the diversity of information which they displayed, as for the temper and restraint with which for the most part they were delivered.

It might be said, he observed, that he had made an invidious selection of the colonial minister for attack, but he would explain the reasons which had induced him to call for an expression of want of confidence in Lord Glenelg alone. "The colonial office" he said, "differs materially from every other branch of the government. All the other departments of the state administer for us who are represented in this house ; the Colonial Office administers for the colonies, not one of which is represented in any assembly to which that office is in any degree responsible. The other branches of government administer only, they do not legislate : but the colonial office, besides having to conduct an administration comprising all the branches of government, civil, military, financial, judicial, and ecclesiastical — an administration rendered still more difficult by the various institutions, languages, laws, customs, wants, and interests, of a great variety of separate and widely different communities — besides all this, which the whole administrative force of this country could hardly manage well, the Colonial Office has further to legislate more or less for all the colonies, and altogether for those colonies which have no representative assembly, by means either of instructions to governors, or of orders in council, or by appointing or instructing some or all of the branches of the colonial legislature. Such a complication of functions in

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a single office would be bad enough if all the colonies were close together and adjacent to England: let us recollect, however, how widely they are dispersed, and how far from Downing-street is that of them which is nearest to England. In most of them several months, and in some of them a whole year must elapse, before a letter between the government and one of its subjects can be answered by return of post. A petition arrives here; who is there to press its prayer on the attention of the Colonial Minister? or who is there to take care that it shall ever be read by him? Whether he ever looks at it must depend on the degree of his diligence and of his interest in the colony whence it comes. Orders despatched hence should be adapted, not to the state of things which existed in the colony at the date of the Minister's last advices therefrom, but to that which he may conjecture will exist when his orders arrive. How can he fail to err, without the highest sagacity and foresight? Besides, in many cases, the very subject of the letter, or petition, or remonstrance, may be worn out, before he can even know of its existence. Whatever the difficulties, then, of both legislating and administering for so many different communities may be, all these are enhanced a thousand fold by the great distance between the subjects and the government."

Sir William disclaimed all party considerations in bringing forward the motion. But it could not be denied he said, that every quarter of the globe furnished a case illustrative of the incompetency of the present Colonial Minister. During the last session of parliament, the House instituted an inquiry into

the state of the penal colonies in Australasia. It might be imagined that the Colonial Minister had some part in that enquiry. "Not at all," said the hon. Baronet "on the contrary, the country is solely indebted for it to the noble Lord the member for Stroud; from whom, before I moved for a committee, I had the good fortune to obtain a promise that the motion should have his support in the house. Considering the colonial nature of the subject, why did I not, in order to obtain the sanction of government, address myself to the noble Lord at the head of colonial affairs? Simply, because I believed that such an application would be in vain. I was afraid of the proverbial indecision and supineness of that minister; and I believed that the only sure method of obtaining an inquiry on this colonial subject was to pass by the Colonial Minister, and apply to another minister, whose department is eminently not colonial."

Again, Sir William contended that Lord Glenelg had exceedingly mismanaged the "emigration fund," which arose from Lord Howick's regulations for the sale of waste land in New South Wales. He had moreover failed to provide a new constitution for the inhabitants of that part of our empire, the old one having expired. He had further neglected British interests in New Zealand, by allowing it to become a resort for buccaneers. In fine, the Mauritius, Sierra Leone, the West India Colonies, the North American possessions of the Crown, were all, in a greater or less degree, suffering from the errors and deficiencies of this ill-fated minister, who had, in the words of Lord Aberdeen, reduced doing nothing to a system,

Mr. Leader having seconded the resolution, the defence of the colonial secretary was undertaken by Lord Palmerston, who said, he should treat the motion as an attack upon the whole government; for such it really was, though apparently directed only against a single minister. He ridiculed the idea of Sir William Molesworth originating such a motion. Had Sir Robert Peel, the leader of a great party in the House, been its author, he should have been ready to state at length his objections to it; but he would leave the House to judge whether, in the present instance, such a course was necessary.

His lordship then produced some speeches delivered by Sir William Molesworth and Mr. Leader in October last, to show that they then viewed with alarm the diminution of the ministerial majority, and the probability of the return of the Tories to office. If Sir William Molesworth now wished the ministers to be dismissed, Lord Palmerston said, he would have acted with better judgment, had he directed his motion against the Government as a body. The dismissal of ministers would result from the success of his motion; as no cabinet could allow one of its members to be made a scapegoat. He would not permit Lord Glenelg to be the solitary victim of this unhandsome and ungenerous attack. Sir William Molesworth's imputations on his noble colleague were, he contended, utterly unfounded. Lord Glenelg's administration had produced satisfaction and contentment in colonies where formerly disaffection had prevailed. As to Canada, the events of the last few months were ample proofs of the wisdom of his management of that province [*great laughter.*]

Lord Palmerston then adverted to the effect of the motion, if successful. Were the Tories ready to take office, in conjunction with the Radicals, or did the hon. Baronet think, that, when they had triumphed, he and Sir Robert Peel might meet upon the field of victory, and divide the spoil? In conclusion, he said, that he should meet the motion by a simple negative.

Lord Sandon said, that he had expected that the affairs of Canada would have been the basis of the present motion. He agreed with Lord Palmerston, that it should not have been directed against Lord Glenelg alone, but against the entire administration. Everybody who was acquainted with the distinguished talent and admirable private life of Lord Glenelg, would feel it impossible to support the motion. He could not vote with Sir William Molesworth; neither, however, could he be content with a simple negative of his motion. He considered that the troubles in Canada were mainly attributable to the misconduct of ministers; and that they had not exhibited vigour or sagacity in preventing a rebellion, which indirectly they had encouraged by the reception given to the disturbers of peace in the colony, and by their support of those who encouraged them in this country. Under these circumstances, he should move an amendment, in the shape of an address to the Queen, in which would be laid down his own principles, and those of the party with whom he acted.

Accordingly he moved, that an address be presented to her Majesty, expressing the regret of the House at the treasonable movements in Canada, and their determination to aid her in the suppres-



sion of the revolt, and the establishment of a sound constitution; but representing also their opinion, that the present state of things in that colony was mainly owing "to the want of foresight and energy," and "to the ambiguous, dilatory, and irresolute course of her Majesty's ministers."

Some observations from Mr. Labouchere, called up.

Lord Stanley, who remarked, that he should have thought that ministers would have been anxious to meet this question fully and fairly, by moving a counter-resolution, declaratory of the confidence reposed in them by the House. From this course, however, notwithstanding their triumphant language, they shrunk. Lord Palmerston had made some observations upon the inconsistency of persons joining those who differed from them in political opinion. Lord Stanley in particular then adverted to a supposition of Lord Palmerston's, which he said did great credit to his ingenuity, inasmuch as it would never have entered into the brain of any other man. He had supposed that it was the intention of the Opposition side of the House, to form a government by a coalition between the hon. baronet, the member for Leeds, and his right honourable friend near him, the member for Tamworth; now, he knew not whether his noble friend, the Secretary for Foreign Affairs, had any intention of forming part of that administration [*loud cheers*], but, if he did not, he would perhaps allow him to say, that, for a much longer period than that to which his memory could go back, it would be the only administration which his noble friend had not joined. [*Renewed cheers.*]

The noble lord then proceeded

to criticise, at great length, the Canadian policy of the government.

After a speech from Sir Charles Grey, one of the Canadian commissioners, the House adjourned.

On the following evening, (March 7th) the debate was renewed by Mr. Leader.

Mr. Warburton said, that he felt regret at many of the observations that had fallen from Sir W. Molesworth and Mr. Leader. Nor could he concur in the course taken by the former in attacking a system through a particular individual.

A great part of the subsequent debate was occupied by a variety of very uninteresting speeches, until, roused by a spirited attack from Mr. W. M. Praed, Sir George Grey rose to defend the Colonial Office, and expressed himself with unusual asperity. The greater part of the hon. Baronet's speech referred to Canadian affairs. He read to the House some complimentary letters and resolutions, expressive of the satisfaction with which the inhabitants of New Brunswick regarded "the enlightened policy" of Lord Glenelg, and which had been accompanied by a request for his Lordship's full-length portrait.

The Chancellor of the Exchequer said, that ministers were often taunted with being in minorities, but he would ask, how often the Tories, when in power, had been beaten on divisions?

He did not allude to the short and brilliant course of the right honourable baronet opposite, when he endeavoured, though unsuccessfully, to make a stand against the general opinion of the country—he alluded to the good old times of Lord Liverpool's administration. He would state a few of the defeats

of the Tories at that period. Did they recollect how they were beaten on the Queen's trial? On the question of the property-tax? On the question of the salt tax? On the question of the Postmasters-General? On the question of the Lords of the Admiralty? On the question of the reduction of the public expenditure? Did they recollect how they were beaten on the question of improvements in the criminal law, introduced by the late Sir James Macintosh? On all those questions the Tories had been beaten by majorities; and he could go through a much longer list of beatings which they had sustained; and yet they had retained office. He stated this in order to warn young members against indulging too fondly in hopes raised by two or three divisions against a government.

Sir Robert Peel, who throughout the session, was in the habit of assuming an easy tone of superiority, said, in allusion to what had fallen from the Chancellor of the Exchequer, "The right honourable gentleman had no doubt been looking back, while suffering under the stripes which he received in the course of the last week, in which the Government had been defeated in four out of five divisions, and wisely and philosophically, had said, 'I will apply myself for consolation to the records of other beatings, and as I do find that other governments have been defeated, even on the question of a salt-tax, I will be comforted.'"—*[Loud laughter, and cheers.]* But notwithstanding that tenacity of life, under severe inflictions, for which the present Government was distinguished,—a tenacity of which, Sir Robert said, he was willing to admit, he had when in

office, from a sense of duty, himself exhibited an eminent example—he was afraid that the gentlemen on the Treasury bench hardly could survive the blow of a defeat on the present occasion. But Mr. Rice had said, how could the Opposition presume to come forward, seeing that they were unable to form a government? Sir Robert said, he would tell him, that, being compelled to come to a decision, his first question, seeing that they were forced to give an opinion on the Canadian policy of the Government, was with reference to the course most befitting the honour of the great Conservative party, in vindicating their already expressed opinions on the subject of the misconduct of the Government. "The hon. baronet brings forward his motion, expressing a want of confidence in the present colonial secretary. "What?" asked Sir Robert, "would the Chancellor of the Exchequer have had me do? Would he have had me absent myself from the House altogether? I may be compelled to evade giving a vote, when I cannot conscientiously approve of the decision, whichever way it may turn; but this is what I will never do—stay away from the House when a question is brought on on which I can pronounce my honest opinion. That course was not open to me. Would the right hon. gentleman have had me move the previous question? *[Loud laughter.]*—Alas!" added Sir Robert, "you have so damaged the 'previous question,' that, for some time to come, I fear, it will hardly show its face again. *[Renewed laughter and cheers.]* But why did not ministers move a counter-resolution?" The honourable baronet gave them so fair an opportunity,

that I cannot but wonder that flesh and blood did not prevail with friends so attached to make them bring forward such a resolution. I now invite them to do so; and perhaps they will adopt my suggestion, as they did my amendments on the Canada bill—and this I will promise on the part of my noble friend (Lord Sandon), that if the noble lord opposite will abandon the course which he said he should adopt, and move a resolution flattering to his noble friend the Secretary for the Colonies, we will waive our resolution, and fight the battle on that ground—*[Cheers.]* If you will not, what are we to do? Sir William Molesworth's motion says, that 'it is essential that the Colonial Minister should be a person in whose diligence, forethought, judgment, activity, and firmness this House and the public may be able to place reliance.' You are going to negative that. I am not surprised at it. *[Laughter and cheers.]* The suggestion of qualities is sometimes the most unfortunate thing in the world for one's friends. But then, the motion goes on to say, 'that her Majesty's present Secretary of State for the Colonies does not enjoy the confidence of this House or of the country.' Now," continued Sir Robert, "I think that the noble lord ought to move to leave out these latter words, and insert the following in their place—'And seeing that the noble lord at the head of the colonial department does unite in himself those various qualities of diligence, forethought, judgment, activity, and firmness, he does enjoy the confidence of the House and of the country; and this House is of opinion that the affairs of the colonies ought to continue to be adminis-

tered by the noble lord.' *[Laughter and cheers.]* That is the amendment which I suggest for the noble lord's consideration. That being done, we will withdraw our own resolution, and contest the resolution of the noble lord.

Lord John Russell now rose. He began by complaining of the conduct of the Opposition, who during the repeated discussions on the Canada question, had expressly waived any intention of condemning the Government, but now came forward with the amendment proposed by Lord Sandon. After insinuating that "persons differing in prudence and temper" from Sir R. Peel, "were exercising at the present time a mastery over his counsels;" the noble Lord proceeded with a singular infelicity of illustration to say, that the conservative body exemplified the adage—that "parties, like serpents, are moved by their tails." *[Roars of laughter]* Having reminded the House of the resolutions proposed by Lord J. Cavendish at the end of the American war, (8th of March, 1782) in condemnation of Lord North's administration, he contrasted the facts, on which they were founded, with the present articles of complaint against ministers, and contended that no motion of the kind was ever more groundless than the present. In the course of his speech, Lord John directed some bitter remarks against the temper and judgment of Lord Stanley, and said that, in those respects, he felt more comfortable, now that Lord Glenelg was his colleague, than he did, when the former nobleman was at the head of the colonial department. He demanded, finally, to know whether in the event of the resignation of ministers there existed the imme-

diate means of forming a stronger and a better administration? or whether the conservatives could safely appeal to the test of a popular election?

The noble Lord concluded by suggesting to Sir W. Molesworth the expediency of withdrawing his own motion, in order that the sense of the House might be taken upon the amendment—thus offering a fair trial of strength between the two sides of the House.

Sir W. Molesworth assented to the proposal, but said that, for his own part, he felt precluded from voting either for or against Lord Sandon's amendment. The amendment was then put as a substantive motion.—Ayes 287; noes 316; majority for ministers 29.

It was computed from this division, and including the tellers and absent members, that upon questions not affecting the church, (when certain of the whigs often voted with them) the conservatives might produce no less than 317 votes.

We have now to advert to a subject in connexion with colonial policy, which we had hoped would in future occupy but an unimportant part of our Parliamentary History. Whatever might have been the policy of the attempt to settle the great question of negro emancipation, it was not unreasonable to expect that, during the short intermediate period between qualified and absolute manumission, this difficult and painful subject might have remained undisturbed.

In point of fact, however, the anti-slavery agitation was far from being set at rest by the Abolition Bill, nor, perhaps, is this to be wondered at; on the one hand a large class of declaimers and needy jobbers were interested in the re-

vival of the subject; and on the other, there existed a powerful body of humane and active-minded people, to whom the contemplation of the sufferings of the negro population had become habitual, and who required little inducement to recur to so exciting a theme. It is, moreover, probable that the apprenticeship system, evidently false in principle, failed in practice—that there was much irritation on all sides—on the part of the slaves contumacy; on that of the masters breaches of the law, cruelty, and violence. The colonial Legislatures, it must be admitted, seem in many cases to have acted with obstinacy and intemperance; and Jamaica, in particular, afforded, we fear, very many instances of systematic violations of the imperial law.

There was, therefore, no difficulty in lighting up a flame in the country, on the subject. Lord Brougham had been, it will be recollected, a member of the cabinet which introduced the Abolition bill, and, as such, was himself, it is now understood, the chief adviser of the apprenticeship scheme, in opposition to those who preferred a more immediate emancipation. His Lordship now, with a versatility in which he is without a rival, and his indulgence of which might deserve a severer term, did he not seem so unconscious of its effect, became on a sudden the ardent champion of instant manumission. Public meetings and petitions were of course very speedily put in operation. The parliamentary discussions on the subject were opened on the 29th of January by Lord Brougham. After presenting to the House of Lords a petition from Leeds, praying the immediate abolition of negro slavery,

his Lordship delivered an impassioned speech on the enormities still committed in the slave-trade. "That accursed traffic," he exclaimed, "flourishes under the very expedients adopted to crush it; and increases in consequence of those very measures resorted to for its extinction." When the act for abolishing the British slave-trade passed in 1807, and when, at a later period, treaties were made with a view to extinguish the traffic carried on by France, Spain, and Portugal, the plan was adopted, which was now in operation. The right of search and seizure was confined to certain vessels in the service of the state, and a promise of 5*l.* head-money was held out as an inducement to quicken the activity of the officers and men to be paid for each slave on board the captured ship, over and above the proceeds of its sale upon condemnation. Now, said his Lordship, a little reflection might have sufficed to show that there was an inherent vice in this scheme, since an inducement was thereby offered to permit the principal part of the crime, namely the shipping of slaves, for the sake of this head-money. And thus the policy, which holds out a reward, not to the cruiser that stops a slave-ship, and interrupts the commission of the crime, but to the cruiser, who seizes her on her way back, when full of slaves, gives an interest to the persons employed in the service to let her reach Africa, take in a cargo of slaves, and sail for America."

It appeared that the course pursued on the coast was this:—The cruiser carefully avoids approaching the creek or harbour where the slavers are lying. If she came in sight, the slaver would not ven-

ture to take in a cargo, or sail. She stands out, therefore, just so far as to command a view of the port from the mast-head, being herself quite out of sight. The slaver, believing the coast to be clear, accomplishes his crime, and makes sail. "Now," said Lord Brougham, "whether he succeeds in gaining the opposite shores, or is taken and condemned, let us see what the effect of the system is, in the vessel's construction and accommodation. Let us see how the unavoidable miseries of the middle passage are exasperated by the contraband nature of the adventure—how the unavoidable mischief is aggravated by the means taken to extirpate it. Every consideration is sacrificed to swiftness of sailing, in the construction of the slave-ships, which are built so narrow, as to put their safety in peril, being made just broad enough on the beam to keep the sea. What is the result to the slaves? Before the trade was put down by us in 1807, they had the benefit of what was termed "the slave-carrying act," which gave the unhappy victims the benefit of a certain space between decks, in which they might breathe the tainted air more freely, and a certain supply of provisions and of water. But now there is nothing of the kind, and the slave is in the condition in which their debates found him above half a century ago, when the venerable Thomas Clarkson awakened the world to his sufferings. The scantiest portion, which will support life, is alone provided; and the wretched Africans are compressed and stowed in every nook and cranny of the ship, as if they were dead goods concealed on board smuggling vessels. On being discovered, the slaver has to



determine whether he will endeavour to regain the port, or will fare across the Atlantic, and so perfect his adventure, and consummate his crime, reaching the American shores with a part, at least of his lading. How many unutterable horrors, exclaimed Lord Brougham, are embraced in the word that has slipped my tongue? Yes, yes; for no sooner does the miscreant find that the cruiser is gaining upon him, than he bethinks him of lightening the ship, and casts overboard men, women, and children. Does he first knock off their fetters? No. Why? Because those irons, by which they have been held together in couples for safety, are not screwed together, and padlocked, so as to be removed in case of danger from tempest or fire, but they are rivetted—welded together by the blacksmith in his forge, never to be removed, nor loosened, until, after the horrors of the middle passage, the children of misery shall be landed to bondage in the civilised world. The irons, too, serve the purpose of weights, and if time be allowed, more weights are added, to the end that the wretches may be entangled, to prevent their swimming. Nor is this all. Instances have been recorded of other precautions used for the same purpose. Water casks have been filled with human beings, and one vessel threw twelve overboard thus laden. In one chase, two slave ships endeavoured, but in vain, to make their escape, and in the attempt, they flung into the sea 500 human beings of all ages and either sex.”

Lord Brougham said, he had hitherto been speaking of the aggravation superadded by us to the traffic. Its amount was a different thing. So far from our efforts

materially checking it, he found that the bulk of this infernal commerce was undiminished, of this sad truth the evidence was too conclusive. The premium of insurance at the Havannah was no higher than twelve and a-half per cent to cover all hazards. Of this, four and a-half per cent is allowed for the usual sea risk, leaving but eight for the chance of capture. In 1835, eighty slave ships sailed from the Havannah alone, and six of them brought back an average of about 360, so that about 28,000 were brought to that port in the year. In December of the same year, between 4,000 and 5,000 were safely landed at Rio. One of these ships carried 570, another no less than 700 slaves. Of all the criminals engaged in these atrocities, the Brazilians, the Spaniards, and the Portuguese were the greatest, the three nations with whom our commerce is the closest and our influence the most commanding, and the noble and learned Lord called upon the government and the House to compel these feeble states to abandon their nefarious traffic.

Passionate as is the declamation of the noble and learned Lord, there is too little reason to doubt but that his facts were substantially true; indeed both Lord Glenelg and the Duke of Wellington acquitted him of any exaggeration. The speech therefore, from which we have made the above extract, may be considered to be of historical value, as setting forth the state of the slave-trade in the 19th century.

Lord Minto (first Lord of the Admiralty) rose to defend the naval profession from the aspersions of Lord Brougham, who had asserted that officers were induced



to allow vessels equipped for the slave trade to escape, in order to secure the head money, and to wait at the mouth of rivers till the cargoes had been shipped. He would not say, that no single instance of this kind had occurred, but with all his opportunities of acquiring information, he could say that none such had come to his knowledge, nor did he believe that any similar one had existed. It might indeed be quite true, that in many cases, officers were obliged to allow vessels to take in their cargo, before they could attempt to capture them, as they might not, until then, become subject to the treaty. But there were many cases in which they took a contrary course, and he could assure their Lordships, that the only complaint he heard against them was, that they were too ready to take these vessels, and too little careful of themselves, not attending sufficiently to their own security against prosecutions. Every letter he received from those who were thus employed lamented the difficulties in the way of obtaining the means of the capture and conviction of these vessels, until the cargo was embarked, and they all pressed for the conclusion of further treaties. If those treaties could be extended to all nations under whose flag the traffic was carrying on, there would be no difficulty in putting it down. The case was not the same with respect to Spain, as to Portugal. With the former state we had a treaty, which enabled us to capture all slavers under her flag, but with the latter this was not the fact; and our cruisers could not capture vessels under Portuguese colours, until they had taken in their cargo.

Lord Brougham wished to know

if there could be any objection to the abolishing of head money, and the substitution of a reward according to the tonnage of the vessel captured?

Lords Ellenborough and Ashburton expressed their concurrence in the views of Lord Brougham on the subject, and Lord Ashburton in particular, suggested that strong measures should be taken to compel Portugal to desist from standing a nuisance on the ocean.

Lord Glenelg stated that Lord Palmerston was at present engaged in negotiating a treaty with Portugal, with a view of putting a stop to the trade. He said he certainly must coincide with Lord Brougham in his opinion, that the horrors of the trade would not have been aggravated to their present height, but for our interference. But he also thought that parliament had no alternative, but to act as it had done, and that the fear of increasing the evil ought not to have prevented us from taking steps to extirpate the practice. With respect to the horrors of the trade, he believed that Lord Brougham had not over-stated them: but he did not think that the noble and learned Lord had proved that they were at all attributable to head-money. He admitted that head-money afforded a temptation to persons to permit the shipment; but no other course was open to them for rewarding the captors, except in the case of vessels sailing under the flag of a nation with which we had a treaty including the "equipment article." With respect to vessels sailing under flags, which were liable to that article, rewards were given, not only according to the number of slaves, but to the tonnage. The only nation that still thwarted the

endeavours of this country to put down the trade, was Portugal, and he could not conceal the fact, that vessels under her flag were constantly guilty of violating, not only the laws of humanity, but the direct stipulations of the treaty.

On the 20th of February, Lord Brougham addressed the House on the propriety of immediately emancipating the negro apprentices. His oration, on this occasion, was glowing and exuberant. In the language of poetry he portrayed the "delicate calm and tranquil joy," which pervaded the Antilles on the auspicious day when slavery ceased to exist. He then contended that the predictions of those had failed, who had declared, that with the expiration of slavery, all labour would cease. Twice as much sugar by the hour was found to be made under the new system, and one planter, on a vast scale, had said that with twenty free labourers he could do the work of a hundred slaves. From this he argued that the planters were gainers instead of losers, by the mere change of system, and had, therefore, been over-paid by the twenty millions. He next proceeded to shew that the slaveholders had not kept faith with this country, and that the condition of the negroes so far from being improved, was in many respects worse than before. They were stinted in diet—the victims of partial tribunals and of excessive and illegal punishments. One instance he culled from the papers on the table. Eleven females were flogged, and then put on the treadmill. When faint and about to fall off, they were suspended by the arms, so that the wheel at each revolution bruised and galled their legs, till their sufferings had

reached the extreme pitch which life can endure. In the course of a few days these wretched beings languished, and died. A coroner's jury was empannelled—the verdict given—died by the visitation of God.

His Lordship at the conclusion of his speech, after moving, that an address be presented to her Majesty beseeching her to take steps for the further suppression of the slave-trade, laid a series of resolutions on the table to the following effect. That the practice of paying head-money to British cruisers should be discontinued. That letters of marque should be issued to private individuals empowering them to fit out vessels for the capture of slavers. That it was expedient that the period of predial apprenticeship in all the colonies should cease on the 1st of August 1838. The resolutions also indicated certain regulations for the protection of the apprentices in the mean time.

Lord Glenelg addressed himself to the subject in a very luminous and effective speech. After reviewing the several treaties, concluded with various powers with respect to the slave-trade, and their different degrees of efficacy, he stated the difficulties in the way of Lord Brougham's plan of issuing letters of marque to privateers. He also objected to the discontinuance of head-money.

With respect to the condition of the apprentices in the West-Indian colonies, he believed that the change had been more advantageous than Lord Brougham supposed, "although there had been abuses and difficulties of a serious nature." There was no doubt that grievances were suffered by the negro population, in Jamaica

particularly. Indeed, he admitted, with respect to that colony, that many evils existed, which might be made the grounds for claiming the immediate abolition of the apprenticeship system. But still independently of the contract made between the planters and this country, he did not think that sudden emancipation would be for the advantage of the negroes. The noble Lord concluded by saying, that he must oppose Lord Brougham's resolutions.

Lord Brougham said, that he should take the sense of the House on the resolution which regarded immediate emancipation. A division took place accordingly—Contents 7; not-contents 31; majority 24. The unremitting vigilance of Lord Brougham not long afterwards brought to light what really seems to have been an attempt to establish and legalize, under certain modifications, a new slave-trade.

It appears, that in the colony of British Guiana there had been an old law, which permitted the importation of labourers without restriction. In the course of 1836, a law was passed by the Governor and Council of policy of the colony, with a view to regulate the relations between the labourers, who should come to the colony under articles of indenture, and their employers. This, on being transmitted to England for approval, was thought on the whole an improvement, though an insufficient one, upon the former law. Seven years was the term for which it proposed, that foreign labourers should bind themselves; no exclusion was made of natives of the Continent of Africa, nor did it contain any special provision with respect to labourers who might

come from the other West-India colonies. An Order in Council therefore was issued in March 1837, giving assent to the act of the colonial legislature, but with several important alterations. The period of service was reduced from seven years to three; and even that term was subject to the claim which the labourer might make of immediate dismissal, as soon as he was in a state to prove that his employer had been fully reimbursed the expenses of his importation. With respect to servants from the West-India colonies, in which slavery had been abolished, the term was still further reduced to one year, subject to an earlier termination as in the former case. The introduction of labourers from Africa or islands peopled in part, or fully, by the African population was prohibited. Shortly after these modifications of the law had been promulgated, an application was made for a different regulation to be extended to individuals introduced from the East Indies, who, it was averred, could not be brought into the colony with any profit, unless the term of their service was prolonged to five years. To this proposal Lord Glenelg gave his consent in an order of council, issued on the 12th of July 1837. And it seems that arrangements on an extensive scale were on foot, for the deportation of a class of Hindoos called "Hill Coolies," or Highland labourers, to Guiana.

Lord Brougham, on the 6th of March, moved two resolutions in condemnation of the order in Council of July. He prefaced his motion by a very masterly speech. Having given an historical sketch of the rise and progress of the slave trade, he warned them against

introducing that pest into Asia. He adverted to the Mauritius, into which, according to Sir George Murray's admission, (when colonial secretary), 25,000 Africans had been introduced in defiance of the law ; and he predicted that they were about to expose to this infernal traffic the entire Asiatic coast, "from Madagascar to the Red Sea—from the Arabian Gulph, along Malabar to Travancore ; thence, from Cape Comorin to the mouths of the Ganges, and of all the unknown and nameless streams that water the Peninsula, and flow into the Indian ocean." He complained, besides, that no precautions had been taken to secure proper ship's-provision or accommodation for the labourers on their voyage. In conclusion, he exclaimed, "No, my Lords, I could not slumber without seeing before me, in visions of the night, the great and good men who have passed away, seeming as if they could not taste their own repose, until I should lend my feeble help, and stretch forth this hand to chase away the monster slave-trade from the light he once more outrages."

Lord Glenelg, after tracing the history of the Orders in Council to the effect before stated, contended that Lord Brougham's alarm was premature—that he had exaggerated the danger—and was urging the ministers to present "a barrier to the circulation of voluntary labour:" the principle of which was one they were bound to recognize.

The Duke of Wellington said, it was an undoubted fact that four years ago many labourers had been removed from Bengal to the Mauritius in a most unwarrantable manner, and that neither the Government of Bengal nor the Government of this country had taken

efficient steps to prevent such proceedings. It was only in May, 1837, that a law was passed to prohibit the traffic, and that law was quite inadequate to check the evil. He approved of any plan for supplying the West-India planter with labour, which benefited the labourer as well as the employer ; but he must have better security than the existing law gave for the performance of their contract by the employers. He had prepared some suggestions for effecting an alteration in the arrangements necessary under the order in council, which he would read to the House. He proposed that the embarkation of the labourers should be superintended by a responsible person ; that the nature of the bargain he made should be explained to every labourer ; that provision should be made for his return, if he wished to return, at the expiration of his period of service ; that a person should be appointed to go with the labourers, to protect them while on board, and on their landing, and to see to the due performance of their respective bargains by the masters and the workmen. Unless some such resolutions as these were adopted, he must vote, he said, for Lord Brougham's motion.

Lord Melbourne remarked, that Lord Brougham's ardent imagination was an unsafe guide in such matters. Slavery must exist, as long as men thought it their interest to use slave labour. And passionate appeals to the feelings of mankind were not alone sufficient to ensure its abolition. The attention of government, however, should be directed to the subject before the House, and particularly to the Duke of Wellington's suggestions.

Lord Ellenborough said, that he agreed in every word of Lord Brougham's resolution. He was quite alive to the interests of the planters, but he could not consent to involve the natives of the East Indies in the calamities which would await them in the West.

Lord Lyndhurst said, he would vote for the motion; for he thought that Lord Glenelg should not have passed the order in council till he had made provision against the evils to which that order would certainly give rise.

The Duke of Wellington, said, that Lord Melbourne having promised, rather loosely he confessed, to take his suggestions into consideration, he thought it unadvisable to divide upon Lord Brougham's motion, and would move the previous question.

Lord Fitzgerald required a distinct assent to the Duke of Wellington's suggestions before voting against Lord Brougham's motion.

Lord Melbourne said, of course he assented entirely to the noble duke's proposition, for himself and his colleagues.

The House divided: for the previous question 56; against it 14; majority 42. The original motion was put, and negatived.

Lords Lyndhurst, Strangford, Harrowby, Ellenborough, Wharncliffe, and the Bishop of Exeter were in the minority.

On the 29th of March, Sir George Strickland introduced the subject of slavery in the House of Commons by a motion for the immediate abolition of negro apprenticeship, (which by the existing law did not expire as to prædial servants, until August 1840). He read a great number of extracts from papers derived from various sources, which detailed cases of

great oppression towards the negroes. Upon these he founded his argument, that the planters could not plead the contract for two remaining years of apprenticeship as a bar to the proposal for immediate abolition, since they themselves had failed in their share of the engagement. It was therefore, he contended, no longer binding upon the advocates of the negroes; and experience had now established the possibility of granting immediate emancipation without danger.

Mr. Pease seconded the motion. He enumerated the grievances of the negroes, especially in British Guiana. Their food was insufficient. Their punishments excessive—indulgence conceded even before the emancipation were now withdrawn; pregnant women were worked to the time of their confinement; Sunday markets tolerated; the hospitals were crowded, and in a pestilential state. The colonial legislatures, he insisted, had abused the confidence of the people of England. And the compact, or rather understanding, entered into at the time the emancipation bill passed, was at an end.

Sir George Grey felt himself bound to oppose the motion. The whole matter, he said, had been made the subject of a compact, of which nothing but the clearest evidence of a violation on the part of the planters, could impair the obligation. And he denied that there had been any such infraction. The cases brought forward were merely exceptional. Great blame, too, was owing to those, who having ascertained the existence of abuses, published them for the sake of inflaming the public mind, instead of reporting them to government.—[The debate was then adjourned to the following day.]

Sir Edward Sugden admitted that Jamaica had not performed her part of the arrangement; but the other colonies had not been so culpable, and to them this resolution would be an injustice.

Lord Howick said, that when under-secretary for the colonies, he had never been favourable to the apprenticeship system. He had been desirous of a more liberal measure, which had been rejected by the cabinet in consequence of Lord Brougham's opinion that it went too far. That rejection was followed by his own secession from the Colonial office.

Dr. Lushington supported, and Lord John Russell opposed the motion, after which Mr. W. E. Gladstone finished the debate in a long and very able speech, which, like most of those which had gone before, consisted mainly of voluminous detail and accumulated testimony. He clearly proved, that the apprenticeship was part of the compensation awarded to the planters, and that the labour, which it secured, had a marketable value. He strongly deprecated the appeal to individual instances, and exaggerated representations, and laboured to prove, that the alleged abuses were not general. The motion was negatived upon the division by a majority of 269 to 205.

Sir Eardley Wilmot, on Thursday the 22nd of May, renewed the attempt to obtain a resolution from the House in favour of immediate abolition, and with more success, for upon this occasion the ministers and conservatives were in a minority of 3; the numbers on a division being 96 to 93.

Sir E. Wilmot, however, felt himself incapable of turning to any purpose whatever, the victory

which he had achieved. Lord John Russell, on a subsequent evening, pressed him to explain how he meant to follow up his resolution, declaring at the same time that the Government would oppose any measure for abolishing the present system. To this inquiry the hon. Baronet replied, that the question required much deliberation, and he would give an answer on the Monday following. He was still urged by the leading members of both parties to make up his mind at an earlier period. They represented the obvious inconvenience that must result from allowing the West-India packets to sail while the matter was in suspense. But Sir E. Wilmot, who seems to have been acting somewhat at random, persisted doggedly in his determination to say nothing further till Monday.

On the following day, Lord John Russell again interrogated him on the subject, when he replied, that since the Government were determined to oppose any measure that might be introduced with a view to carrying the resolution into effect, it was not his intention to proceed farther in the matter, thinking that the resolution, as it stood, would have more effect towards inducing the slave-owners to comply with the desires of the abolitionists, than if he were to endeavour unsuccessfully to found a direct enactment upon it.

This probably was an afterthought of Sir E. Wilmot's. But it is certain that his anticipations were realized, and upon receiving intelligence of the resolution, the planters in the different colonies were not slow in recognizing the necessity of giving it immediate effect, as will be seen in a succeeding chapter.



On the 28th of May, Sir George Grey proposed and carried a resolution which virtually rescinded that of Sir Eardley Wilmot, by declaring that, in the opinion of the House, it was not advisable to adopt any proceeding for the purpose of giving effect to the resolution of the 22nd of the month.

The numbers on the division were ayes 250 ; noes 173 ; majority 72.

Two important bills, connected with this subject, passed the Legislature this session. The one entitled "An Act to amend the Act for the abolition of slavery," con-

tained various salutary provisions giving further protection to the apprentices, and enforcing such regulations of the former act as had been disregarded by the planters. The other empowered Her Majesty in council (or with respect to the prisons of each colony, the Governor and council of such colony), to make rules for the government of the prisons in the West Indies, and likewise to appoint inspectors of prisons; to dismiss or suspend officers; and to determine the unfitness of any place to be used for purposes of penal confinement.

## CHAPTER VI.

*House of Lords—Lord Roden's motion on the state of Ireland—Lord Mulgrave's Defence—Earl of Donoughmore—Address of the Tipperary Magistrates to the Lords Justices—Duke of Wellington—Lord Mulgrave in explanation—Lords Melbourne and Brougham—Debates on Colonel Verner's motion concerning the Battle of the Diamond, in the House of Commons—Bishop of Exeter and the Roman Catholic oath—Case of the Roman Catholic Bishop of Malta—Dr. M'Hale's assumption of the title of Archbishop of Tuam—Prospect of a settlement of the three great Irish questions—Declarations of the Duke of Wellington and Sir Robert Peel—Debates on the Irish Poor-law Bill in the House of Commons—Opposition of Mr. O'Connell—Lord John Russell's Speech in support of the measure—Mr. Shaw agrees with Mr. O'Connell—Mr. Shaw's Amendment, limiting Relief to the Aged, Impotent, &c.—Messrs. O'Brien, Lucas, Redington, Litton, Barron, and Young, support the Bill—Mr. O. Gore, Mr. Gibson, and Sir F. Trench oppose it—Division in favour of the Bill—House in Committee—Lord Clements—Sir E. Sugden—Sir F. Burdett—Division on the first Clause—Mr. Shaw's Amendment to the 35th Clause—Lord Morpeth—Colonel Conolly—Mr. Wrightson—Mr. O'Connell supports the Amendment—Division—Remarks on Mr. O'Connell's conduct with respect to the Bill—Unpopularity of the measure in Ireland—Bill read a third time—Negotiations between Sir R. Peel and Lord John Russell, with respect to the Irish Questions—Declarations of the parties.*

**T**HE disproportioned space which the affairs of Ireland have of late years filled in our parliamentary discussions, is a sufficient indication, if such were wanting, of the disordered condition and complicated politics of that unhappy country. In this respect, the mere length of them may have its significance. Otherwise we have

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been reluctant to allow for these controversies any corresponding occupation of our pages; feeling that with another generation they will lose even the little interest which they retain with the sober-minded and dispassionate of the present.

On the 27th of November, 1837, the Earl of Roden, having moved, in the House of Lords, that the

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third paragraph of the Queen's speech, which averred the existence of "internal peace and domestic tranquillity," should be read, proceeded to bring the state of Ireland under consideration. His Lordship's purpose was to show that, so far from the state of that country being more tranquil under Lord Mulgrave's administration, as was alleged, for a long time before, there were districts in which property, life, and the exercise of the Protestant religion, had never been in greater danger than at that moment. And certainly the details of his speech convey a most melancholy picture. By the proclamations of the Lord-lieutenant, it appeared that no less than thirteen murders had been committed in different parts of Ireland during the last six weeks. Houses were attacked for arms—attempts made to assassinate—people were cruelly beaten—no sort of outrage was omitted. In twenty-five counties crimes of this description were in the course of hourly perpetration. Lord Roden went on to produce facts in support of his allegations; and a more revolting catalogue of murders could not be enumerated, than his Lordship stated on this occasion—murders in which no circumstance of barbarity was omitted. He spoke of facts notorious to all the world, of men whose brains were pounded out with stones on the high road—of others beaten to death with bludgeons, though the measure of the infliction was so calculated as to leave the victims to linger, bound and blindfold, in solitary places, till death released them—of others who were murdered in the public streets of Dublin—or slain and savagely mutilated before their families at their own doors. His

Lordship concluded by moving for papers connected with the state of crime in Ireland.

Lord Mulgrave replied to Lord Roden in a speech of great ability, in which he undertook to show, by calculations founded on official returns, that crime was proceeding in a decreasing ratio in Ireland. He selected two periods for comparison—from October 1832 to March 1833, and from October 1836 to March 1837. The former being the six months previous to the coercion bill. The sum total of outrages committed during this period was 6,355, while the amount of similar offences during the latter six months was only 2,385. He then put the case in another point of view. He had a return of the number of crimes reported to have been committed for the first nine months of 1832, 1833, 1834, 1835, 1836, and 1837. The number of outrages in the first nine months of 1832 was 7,460; in 1833 they were diminished to 6,547; in 1834, to 6,016; in 1835 they rose to 6,645; in 1836 they were reduced to 5,384; and, in the first nine months of the present year, they fell as low as 3,784.

His lordship then took up a new position, and went on to consider the proportion between the crimes perpetrated, and the committals, and between the committals and the convictions. He shewed, that in 1832, there were 772 committals, and 203 convictions. In 1833, 826 committals and 303 convictions; in 1834, 520 committals and 315 convictions; in 1835, 922 committals and 409 convictions; in 1836, 843 committals and 425 convictions; in 1837, 347 committals and 229 convictions. Thus, in the course of five years,

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the committals had progressively increased, and the present (1837) was the first in which they had diminished. He conceived, that, according to the greater efficiency with which the law is administered, the greater would be the number of offences prosecuted; and that the increased number of committals and convictions is perfectly compatible with the actual decrease of crimes. His lordship then entered upon a comparison between England and Ireland in this respect, and calculated, that the convictions in England and Wales were 14,000, and in Ireland 10,000, giving, in proportion to population, one conviction for every 1000 in the former country, and one for every 800 in the latter. He then proceeded to shew, that considerable misconceptions as to the precise nature of the state of crime in Ireland, arise from the manner in which murder and manslaughter are frequently confounded with one another. Thus, of 340 persons committed for murder, only 22 had been convicted and sentenced.

Adverting to the list of outrages enumerated by Lord Roden, he denied that these murders had any connexion with religion. He had the authority of many, who had attended the assizes, for stating that, according to their belief, no such thing in Ireland takes place as the murder of a man on account of his religion. A man happens to be murdered as a part of that dreadful system of combination, which exists in Ireland with regard to the tenure of land. It is merely a coincidence that he happens to be a Protestant.

With respect to electioneering violence, the Conservatives were

guilty of setting a bad example—it was a matter of notoriety that voters, supposed to be unfavourable to them, had been forcibly detained, and even constrained by violence, to vote against their party. No wonder, if people of an inferior station, influenced by this example, in the first place, and hurried beyond it by their passions, were betrayed into the commission of crimes of greater violence.

After noticing the silence which prevailed respecting the repeal of the Union, as a token of the improved state of public feeling in Ireland, and having hinted that the landlords of Ireland were not entirely guiltless of provoking the peasantry to acts of violence by their own harshness and rigour; Lord Mulgrave entered at some length upon an exposition of the principles which animated his own policy in administering the government. He adopted the sentiments expressed by Lord Chesterfield, when engaged in the discharge of the same functions. That nobleman had said, in reference to certain strictures upon his administration, that whilst he had endeavoured to govern with all humanity, he had invariably enforced the laws without reference to religion or party, and was determined to proscribe no set of persons whatever, and to be governed by none. It had been stated by those who should have known better, that Mr. O'Connell had all the patronage of Ireland. He denied the truth of that statement utterly and indignantly. That gentleman, like any other member of Parliament, had several communications with Government, but his applications had been fewer than those of any other member, nor had he been,

more than any other, consulted in any one appointment made by the Irish government.

The Earl of Donoughmore made a statement of facts which went far to impugn the ministerial representations concerning Irish tranquillity. At the last Tipperary assizes, there were, he said, 1,131 cases of all classes for trial. Of that number of prisoners, 166 were convicted, and 25 condemned to death. Six of these had been actually executed; the sentences of the remainder were commuted for transportation for life. In addition to these chief offenders, there were 66 others sentenced to various terms of transportation. In the following October ten individuals had been murdered. Ten others had been beaten so badly in the same month, some having their skulls fractured, some their legs and arms broken, some their eyes knocked out, that they still lingered without hope. His lordship, after some further remarks, read a document signed by eighteen Tipperary magistrates, at a public meeting, convened for the purpose of taking into consideration the state of one barony—Clanwilliam—in that county. They said, that they considered it their duty to lay before the Lords Justices a statement of the crimes committed in that barony between the 1st of October, and the 20th of November as appended; and they called their lordships' attention "to the number of crimes of all descriptions which had been committed in the short period stated, including murders of the most atrocious nature, as well as attacks on houses and property in general." They declared their belief, that the lawless portion of the peasantry of the county

are in possession of considerable quantities of unlicensed arms, and they requested that the 5 and 6 William 4th, c. 48, might be put in force.\*

His lordship then went on to read a few details from the general statement of crime in the barony, in corroboration of the report of the magistrates. To repress the outrages of an armed and organized peasantry, the common law was insufficient, and he called upon Lord Mulgrave to demand additional powers, without which, he said, it would be found impossible to disarm the people.

Lord Mulgrave said, that he had, the day before only, received the document referred to by Lord Donoughmore, but he had read through the whole of the police reports on which it was founded. It was no new thing that there should be banditti in that district, but he found that the outrages in question arose from a desire to obtain, or to keep possession of lands, or from quarrels between farm servants.

The Duke of Wellington said, that it was idle to talk of political tranquillity in any part of Ireland. Lord Mulgrave had affirmed, that the agrarian disturbances in that country were not attributable to political agitation. But "one of the greatest authorities that ever appeared in that or any other country," his relation, the Marquess Wellesley, had given it as his opinion, that agrarian disturbances in Ireland were to be ascribed, as strictly and exclusively, to political

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\* "An Act for the better prevention, and more speedy punishment of offences endangering the public peace in Ireland."

agitation, as effect was to be attributed to cause in any case whatever. He did not deny, that the present state of that country presented no new feature, but he complained that ministers, instead of coming down to Parliament with an admission of the existence of disturbances, and an application for powers to suppress them, introduced into the speech from the throne an assertion, that Ireland was tranquil.

His grace then betook himself to an examination of the papers on the table, particularly the Fifteenth Report of the Inspectors of Prisons, From these it appeared, that, in the year 1836, there were committed to prison for offences, 23,891 persons. That was the first year in which "domestic tranquillity" was made a subject of boast from the throne. Yet, in the year 1835, the numbers were only 21,265. On going back to the year 1828, they would be found not to exceed 14,683; in 1829, 15,271; 1830, 15,794; in 1831, 16,192; in 1832, 16,002; in 1833, 17,819; in 1834, (after the coercion bill), 21,381. Yet, notwithstanding this progressive increase of crime, they were told that Ireland was in a state of tranquillity! Now, he would remind the House of what was done in the first year of "tranquillity." In the course of it, Lord Mulgrave made his famous tour, and thought proper to exercise the royal prerogative by pardoning not less than about 1,300 persons. He would further call their attention to the character of the 21,891 offences which appeared in the returns of that year—7,769 were offences against the person, and of these last 843—about two a-day, were murder, conspiracies to murder, or manslaughter. There were, be-

sides, 500 cases of burning or destroying property, and 42 robberies of arms. His grace then noticed another return (which was not on their Lordships' table). It was drawn up by the clerks of the peace, and the clerks of the crown of the several counties, and purported to be an account of the number of persons committed to their respective gaols, and brought to trial. He believed these returns to be more correct than those of the inspectors of prisons. And, by them, it appeared, that in 1836 there were 14,000 more criminals in confinement than were stated in the other returns. These matters required explanation. The duke added, that Lord Mulgrave had entirely omitted to notice one striking feature in the condition of Ireland, viz.; the fact, that armed bands were in the habit of traversing the country without interruption. 'The noble Lord might not be in a condition to repress such outrages, but he ought not to use the word "tranquillity," while they existed.

This statement brought up Lord Mulgrave once more. He was obliged to admit, that there was a striking discrepancy between the two sets of returns. He explained, however, that the returns cited by the duke often repeated the same offence three or four times. For instance, a man might be charged with assault, riot, and rescue, and he would be then set down three times, under the head of three separate offences. If his trial should be deferred until the following assizes, his name would be repeated in the same way. With regard to the pardons which he had granted on his tour, Lord Mulgrave observed, that of 800 memorials, which had been presented to him on the part



of prisoners, about one-half had been rejected, with or without reference to the judge, as the case might be, 100 only had been answered in favour of the prisoner, without reference to the judge, and on the authority alone of medical and other certificates. There was, however, one class of prisoners to whom mercy had been extended in a wholesale way, and without such certificate, he meant those convicted of joining Orange processions.

Lord Melbourne thought, that extraordinary measures of repression failed to confer strength on the government adopting them, by reason of their attendant odium and obloquy. On that account he stated, it was not his intention at present to demand additional powers.

The debate concluded with a speech from Lord Brougham, who thought that it was not easy really to ascertain the comparative state of crime, in a series of years, from the mere surface of such reports as those adverted to in the discussion. One year might, in effect, be better than another, though, at first sight, it might look worse.

On the following day (the 28th) the Duke of Newcastle presented a petition from the Protestant Association, praying, that Roman Catholics might be excluded from the legislature.\*

On the 5th of December, the time of the House of Commons was occupied by a long and unprofitable discussion on a motion of Colonel Verner's, relative to the following transaction. The gallant colonel, who represents the county of Armagh, had been re-

moved from the deputy-lieutenancy of the county of Tyrone, and from the commission of the peace, for proposing, at an election dinner, by way of a party toast, "the battle of the Diamond." The conflict thus commemorated was one of those frequent contests that took place in Ireland towards the close of the last century, between the Protestants and Roman Catholics. Upon this occasion the former were victorious. But the remembrance of the triumph seems to have been confined to the part of Ireland, in which it occurred, and it is stated to be by no means a current toast amongst the Orange party. However, Colonel Verner was dismissed from his situation, for the offence of proposing it.

The toast, said Colonel Verner, when he brought his case before Parliament, was not a new one, but one which had for nearly half a century been proposed at the convivial meetings of that part of the county. It was a local toast which had passed current and uncensured from September, 1795, up to the preceding August. The colonel then read a letter from Mr. Secretary Drummond, wherein that functionary, in terms far from courteous, and not remarkable for official decorum, demanded, whether "it could be possible that he (the colonel) was thus a party to the commemoration of a lawless and disgraceful conflict." He (Colonel Verner) in his reply, after adverting to the unbecoming language in which the question was couched, and requesting, that if he was ever again to be favoured by a question which Mr. Drummond was directed to propose, it might be "expressed in terms better qualified to invite an answer," declined to answer it, as

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\* A similar petition had been presented to the other House by Mr. Plumptre, on the 9th of February.

being of a nature which the government had no right to put. This was followed by a long and argumentative rejoinder from Lord Morpeth, which communicated the intention of the government to deprive Colonel Verner of the two offices before mentioned.

In the course of his statement of the case, Colonel Verner entered into various historical details connected with the "battle of the Diamond," with a view to shew, that it did not deserve to be designated as "a lawless and disgraceful conflict," and that it could not have been disapproved of by the then Government, as the conduct of the yeomanry on that occasion had never called forth its censure, but that the contrary must be rather presumed, from the acts and language of the authorities. The gallant colonel concluded by mentioning, that the toast was accidentally proposed, not being upon the list, but given at a late hour, in honour of one of the guests who had been engaged in the conflict.

Lord Morpeth then rose, and proceeded to read documents which made it appear, that the battle of the Diamond was but one of a series of lawless outrages, connected with religious animosity, and in which the Protestants were the aggressors. He reminded the House of the case of the Duke of Norfolk, who had been turned out of the lord-lieutenancy of Yorkshire for proposing "the sovereignty of the people," as a toast in George the Third's reign. If the gallant colonel, he said, had but condescended to give some explanation, when requested, if he had then stated what he had just now averred, that the toast was given without premeditation, Government might have taken a less ri-

gorous course, but his conduct left them no alternative. A magistrate who had given such a toast, and in his cooler moments refused to retract, excuse, or explain, might fairly be supposed to have his whole mind so warped by political bias, as to render his impartiality, as a magistrate, of more than doubtful probability.

The discussion terminated in some angry passages between the Chancellor of the Exchequer and Colonel Verner, and which, after the customary forms of quarrelling in the House had been duly observed, terminated, as usual, to the satisfaction of all parties concerned.

The Bishop of Exeter, on the 1st of March, addressed the House on the subject of the oath taken by Roman Catholic members of Parliament. We subjoin a passage from that oath, in a note; and, certainly, it is difficult to understand, upon ordinary principles of construction, how certain Roman Catholic members of Parliament, while subject to its obligation, can act as they do. Without giving an opinion as to the propriety of imposing that oath, or the expediency of repealing it, we must say, that while it stands, a man must be something more than a casuist, who can persuade himself that it leaves him at liberty to subvert the church which it was framed to protect.\* The means taken to

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\* "I do hereby disclaim and disavow, and solemnly abjure any intention to subvert the present church establishment, as settled by law, within this realm; and I do solemnly swear, that I will never exercise any privilege, to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in this kingdom. And I do solemnly, and in the presence of God, profess, testify, and

elude the grasp of this remarkable oath are worth noticing. Some have been heard to say, that they felt themselves at liberty to deal with the whole of it according to the construction put upon it by the House of Commons; meaning, we presume, that that House can mould the clear meaning of words to the will of the majority. Others, and Mr. O'Connell was of the number, contended, that the interpretation to be put upon the language of the oath was this:—that the Roman Catholics were bound, as were the Protestants also, to support the establishment of the church of England, as long as it continued to be the law. But, that, as legislators, they were quite competent to become parties to any alteration of that law. A fallacy that hardly requires refutation, since it was distinctly and avowedly with the view of precluding any such alteration, through the instrumentality of the Roman Catholic members of the legislature, that the oath was inserted among the provisions of the act which authorised them to sit in Parliament. Another of Mr. O'Connell's equivocations on this subject consists in an attempt to deny, that the temporalities of the church are essential to its character as an "establishment." A subterfuge, if possible, still less deserving of serious discussion, since, it is obvious, that they are these alone which constitute that establishment; and, at any rate, the legislature can no otherwise interfere with the ex-

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*declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever."*

istence of the church at all.\* We do not think it necessary to transfer to our pages any portion of the right reverend prelate's powerful argument on this subject, because, however expedient it may be within the walls of Parliament to advance evidence and reasoning in order to shew, that the plain language of the oath is to be taken to mean what it expresses, no such course can be necessary out of doors. And it is, perhaps, equally superfluous to follow his lordship through those parts of his address which demonstrated that the Roman Catholic members of Parliament are acting with an understood intention "to subvert the present church establishment as settled by law."

Lord Melbourne's observations in answer to the Bishop of Exeter, are, for some reasons, well worthy of remark. He began, by admitting that the course pursued in the other House by Lord John Russell on Lord Maidstone's motion, when he threatened to bring the bishop of Exeter's charge before the House, was unwise and imprudent. He then proceeded to the

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\* The bishop of Exeter quoted the following extract from a letter from Mr. Waterton, a celebrated, though eccentric naturalist, and a Yorkshire gentleman of fortune and good family.—"Catholic Emancipation has done nothing for me. I can neither be a member of parliament nor a magistrate; for no power on earth shall make me take Peel's oath. If I understand the English language, and I ought to understand it, for I was with the Jesuits till I was twenty years old, I say, that Peel's oath binds me, before Almighty God, to abjure any intention to subvert the present church establishment. Now, I will do every thing in my power, fairly and honourably as a gentleman, to upset that church, as by law established."

main question, which he disposed of in a manner eminently characteristic.

The right reverend Prelate, said Lord Melbourne, was not opposed, at the time, to the Roman Catholic Relief Bill, provided a proper security was given, that the Roman Catholics would not attempt or weaken the Protestant religion. After much consideration, and diversity of opinion, the oath in question was agreed upon. Oaths were in themselves objectionable; they embarrassed the minds of the weak, and disturbed the minds of the scrupulous, so that it became extremely difficult to fix on an interpretation which should satisfy all parties. If the establishment was in danger, oaths would not save it. The Protestant Reformation was brought about in spite of oaths, and the lord chancellor, judges, magistrates, municipal functionaries, were, in Henry the 5th's time, sworn on an oath to exterminate Lollards. Supposing the Roman Catholic members to have violated their oaths, what remedy could be resorted to? In conclusion, Lord Melbourne asserted, that no measure had been proposed to Parliament on which the Roman Catholics were not entitled to vote.

Another argument much in favour with those who support the Roman Catholics in their lax mode of interpretation, is that this construction of the terms of the oath, must, from the nature of the case, be consigned to the consciences of those who incur the obligation. But, even upon this supposition, it will happen that so often as the interpretation adopted, is apparently at variance with the ordinary sense of words, the party must also look to his con-

science, and to that alone, for justification, and has no right to complain of mankind in general, abiding by the recognized meaning of language. We are far from maintaining that it would be reasonable to charge with prevarication persons, who in cases, which clearly admit of a division of opinion—(the appropriation clause for instance) co-operate in measures of aggression, under a sincere persuasion that they are not in effect impairing the stability of the church. But, on the other hand, it seems indisputable, that where a conviction is entertained by the party voting, (and such conviction is avowed, without disguise, by several Roman Catholic members of parliament), that the vote so given will be injurious to the interests of the united church of England and Ireland, the case assumes a very serious complexion. Lord Melbourne's opinion with respect to the inefficacy of all such oaths may be correct; but the impolicy of imposing them, even if admitted, cannot affect the responsibility of those persons by whom they are taken.

On the 27th of the same month, the Bishop of Exeter called the attention of the House of Lords to a circumstance, which is not uninteresting, when considered in connexion with the subject above adverted to. It appears from his statement on this occasion, that in 1835, it was thought desirable to establish a council of government in the island of Malta. Amongst the individuals selected to compose that council, was the Roman Catholic Bishop of Malta. But that right reverend Prelate, upon being furnished with a copy of the oath of office, expressed his inability to accept the appointment,

upon the terms prescribed, until he had an opportunity of communicating with the Papal See upon the subject. He accordingly transmitted a copy of the oath to Rome. This was in 1835—it was not until May, in the following year, that he received any reply to his application for instructions how to act, and he was then informed, that his holiness the pope could not sanction his taking the oath in question. That oath, however, was the identical one imposed upon Roman Catholics in the United Kingdom, by virtue of the emancipation bill. In moving for papers connected with this incident, the Bishop of Exeter delivered a long speech on the question of the oath generally, in the course of which, he cited various authorities, with a view to shew, that the Roman Catholic hierarchy and priesthood did not consider oaths as binding, when imposed for purposes at variance with the interests of their church. It followed, he said, from this, that the oath at present administered, being stamped with the pope's disapproval, afforded no security whatever, to the Protestants of this kingdom.

The Earl of Shrewsbury, upon this, rose to declare his solemn conviction, that the authorities, quoted by the Bishop of Exeter, did not bear upon the present question. They had never been in any case, applied as the right reverend Prelate had that night applied them. The noble Lord admitted, that he disliked the oath under consideration, as being quite unnecessary, perpetuating mischievous distinctions, and, above all as constantly exposing persons to the most revolting aspersions, both in and out of Parliament.

The papers moved for were

then granted, and the subject dropped.

Later in the session, the government was urged to notice another rather prominent infraction of the Roman Catholic Relief Bill. That statute it may be remembered, expressly prohibits any person, other than the person thereunto entitled by law, to assume or use the name, style, or title of Archbishop, Bishop or Dean of any see or deanery in England and Ireland, under a penalty of 100*l*. It happened, however, that Dr. M'Hale, the Roman Catholic Bishop of Tuam, had in defiance of this provision, affixed the signature of "John Tuam," to certain letters, which he addressed to Lord John Russell, in reference to the Irish system of national education.

On the 10th of April, Lord Lorton directed Lord Melbourne's attention to the circumstance; and, on the 4th of May, put the following question to that Minister—whether any steps had been, or were to be, taken in consequence of a clergyman of the Church of Rome having assumed the rank and title of an Archbishop, of the United Church of England and Ireland, by affixing the name of "John Tuam" to a series of inflammatory letters, addressed to one of her Majesty's Secretaries of State?

Lord Melbourne contented himself by replying, that her Majesty's Government in Ireland did not think it expedient to institute a prosecution in the case. Such a step would be imprudent, and quite fruitless, under the circumstances. This indeed seems to have been the general opinion, for nothing further was said on the subject.

During the present, as well as the preceding Session, a desire had



been evinced on both sides in Parliament, that some arrangement, based on a principle of reciprocal concession, should be effected with respect to the great Irish questions of the poor-law, the municipal corporations, and the tithes. So early as the 29th of June, 1837, the Duke of Wellington, in his place in Parliament, had stated it to be his anxious wish, that an "amicable termination" should be put to the discussions on these measures. At even an earlier period of that year, (the 11th of April), Sir Robert Peel had hinted the possibility of his being prepared, under certain circumstances, "to modify his opposition to the municipal Corporations Bill." On the other hand the altered situation of ministers in the new Parliament rendered it sufficiently obvious, that they could not, for the present, with any effect, renew the discussion of the appropriation clause. It became therefore, an understanding between Lord John Russell and Sir Robert Peel, that the latter should in consideration of the sacrifice of that famous clause by the ministers, abandon his opposition to the principle involved in the ministerial project for re-constructing the municipal corporations of the Sister island.

In our last volume,\* a short abstract was given of the contents of Mr. Nicholl's report, on which the ministers founded their particular scheme of poor-laws for Ireland. Their bill, it will be remembered, had arrived at an advanced stage in the committee, and many of its most important clauses had been discussed and determined,

when the demise of the crown put a stop to its further progress.

Lord John Russell brought this subject again before the House of Commons, on the 1st of December, 1837. He observed that the bill was founded, as he had formerly stated, on the "workhouse principle;" it did not propose to give out-door relief. With respect to the system which it was intended to introduce, there was the testimony of various persons—of the managers of hospitals and workhouses at Bristol, Birmingham, Liverpool, and of other individuals familiar with the resorts of the Irish poor—that the repugnance of that class of the population to enter into a workhouse is as great, if not greater, than that of the English.

The bill was read a first time. But it is certain that during the recess its supporters did not multiply in the country, which it was so materially to affect.

The subject was resumed on the 9th of February, on which day, Mr. O'Connell (the House being on the point of going into committee on the bill), moved as an amendment, that it be committed that day six months. He said that when the bill was last year before the House, he had addressed them at considerable length, and his arguments were then in opposition to the bill, and to its second reading. He had, however, avowed at the time that he had not the moral courage to take the course of direct opposition to the measure, although perfectly convinced of its injurious tendency. Since then he had grown older, and somewhat firmer, and he was now determined to take the sense of the House on the committal of the bill. He confessed that he was opposed to the introduction of any poor-laws into Ire-



land; at least so far as regarded able-bodied persons; as it might induce them to abandon their habitual industry and economy; and prevent them from providing for the wants of age and supervening infirmity. Any such plan was calculated to diminish self-reliance, to paralyse industry, to decrease economy, and above all to damp and extinguish the kindly and generous feelings of nature. Such were the natural effects of a general poor law; and he now came to consider this particular measure. The bill proposed to give relief to the able-bodied, as well as to the aged and infirm—to all classes of the poor, as well those who could not work, and were prevented by various causes, as those who could, and were not prevented. No person, however, was to have an absolute right to relief. The decision on that point was to be in the hands of the Poor-Law Commissioners or guardians. The bill excluded settlement. All relief was to be confined to the workhouse. The result was, that there would be no poor-law in Ireland, except in name. The sole scope of the bill assumed to be the relief of the “destitute” poor. Mr. Nicholls, in his report, had made this strange distinction between the two countries—that there was more *poverty* and less *destitution* in Ireland than in England. But thin partitions, Mr. O’Connell said, separated the terms “destitution” and “poverty,” and he thought it would not be easy to apply the distinction in practice. The report, on which the bill was founded, had declared, that the poor of Ireland would thus be relieved from maintaining a class just poorer than themselves; and had stated that one million sterling

was annually given away in that country, and principally by the poor themselves. But this was not considered a burden; on the contrary, the poor, when remonstrated with on the subject, shewed no willingness to discontinue the practice, connected, as it was, in their minds, with religious obligations and another world’s reward. The relief was not afforded in money; a cottier planted a few more potatoes than he wanted, that he might distribute the surplus amongst his poorer neighbours. Nobody felt this; nobody complained of it. The mass of evidence before the House bore testimony to the kindly and affectionate disposition of the Irish poor towards each other; and the object of this bill seemed to be, to relieve Ireland from the exercise of the domestic affections and the practice of domestic duties.

It was further objected to the bill, by Mr. O’Connell, that it taxed the occupiers of land, and involved many difficulties of apportionment between his landlord and himself. Here was a running source of litigation. It had been erroneously considered as a tax on absentees. The reverse was the fact. It pressed on the residents, and operated as a bonus on absenteeism.

Then, asked the honourable and learned gentleman, what could be more ridiculous than the mode in which it was proposed to carry the measure into effect? An hundred workhouses were to be erected. Each to cost but 7,000*l.*, and to accommodate at least eight hundred poor; besides the Protestant and Roman Catholic Chaplains, and a large staff of other officers. In fact, the workhouses could not cost less than 10,000*l.* each. Here would at once be an outlay of a

million. There would be 80,000 poor to begin with. Mr. Nicholls had got at this number in an extraordinary manner. He affirmed that one per cent. of the Irish poor were destitute; and this estimate was founded, in the main, upon the calculations of a Mr. Stanley, who had drawn up a report, at his request. Mr. Stanley had discovered that the entire number of destitute persons in all Ireland was 82,506; not one more or less. After ridiculing and discrediting this gentleman's calculations, Mr. O'Connell appealed to the report of the Poor-Law Commissioners, who had found that there were 585,000 heads of families in a state of actual destitution, during the greater part of the year. This would include a population of about 3,000,000; of about 1,000,000 of whom partial destitution might be predicated. For these, upon the removal of the species of relief now afforded them, it would be necessary to provide by a poor-law. He said he would take another test. There were in Ireland 75,000 more agricultural labourers than in England. There being in Ireland 1,131,715; in Great Britain 1,055,982. But had Ireland a greater number of cultivated acres? Far from it. In Great Britain, there were 32,250,000 acres under cultivation; in Ireland only 14,600,000. In the former country the money value of the agricultural produce was 150,000,000*l.* a-year; whereas in the latter, it did not exceed 36,000,000*l.* Thus it appeared that, though the quantity of cultivated land in Ireland was within a fraction, equal to one half of that in Great Britain, the value of the produce was less than one-fourth. The cause of this disparity

was want of capital. The remedy was a notable one. The cultivators of the land were too poor to improve its natural fertility; therefore, by way of assisting them, it was proposed to impose upon them an additional tax.

There was another point of view, continued Mr. O'Connell in which he would place the poverty of Ireland. By the finance returns up to January 5th, 1837, it appeared that for the year, the total gross revenue of Great Britain was 55,085,150*l.* 9*s.* 3*d.*, while that of Ireland amounted to but 4,807,402*l.* 1*s.* 3*d.* So that, allowing 3,926,550*l.* 16*s.* 6½*d.* for assessed taxes paid in Great Britain, that country, with a population of 16,000,000, produced on the same taxation more than eleven times the revenue produced by 8,000,000 in Ireland. Could anything more strongly demonstrate the inferiority and of Ireland, in point of property? and yet they were about to add another million to her amount of taxation.

It had been said that the English members in the house were interested in the establishment of poor-laws for Ireland. Now Mr. Nicholls had truly reported, that in no part of the world, were people less disposed to go into workhouses, than in Ireland. He need not indeed, have gone beyond Manchester, Liverpool, or Bristol, to have ascertained that. Then, it was clear that the Irish adult labourer would never go into a workhouse in Ireland, as long as he could earn twopence a day in England. The Irish poor would flock over here in troops, and thereby diminish the wages of the English labouring population.

"Oh, Sir," said the hon. and learned gentleman in concl

"This is no remedy for the ills of Ireland! My opinion is, that by this bill, you will be stopping to a considerable extent the natural flow of charity, which now enables the poor to live. Hereafter, if this bill shall pass, when a poor creature asks for alms, the cold reply will be, "go to the workhouse." The idea of the workhouse is so hateful to the people, that unless great care be taken they will adopt some violent course. But supposing the people to submit to the condition on which they are to be fed, is it not probable, that deprived of every family comfort, and of all that tends to mitigate the asperities of the human character, they will come out of your great prison houses infinitely more disposed to enter into predial warfare, than at any former period?"

Lord John Russell, who followed in the debate, directed his observations, in the first instance, to the objections thrown out by Mr. O'Connell, against compulsory relief in general. He considered that the countries in which there had been the greatest confusion and prodigality in administering compulsory relief, were, England, Holland, and Berne. In all these, similar and kindred abuses existed. But any person travelling through these states would be struck with the superiority of the condition of their poor, to that presented in countries, in which poor-laws were unknown. Speaking of England more particularly, he thought that the introduction of such laws, was the introduction of the means of order; and from their appearance in Elizabeth's reign was to be dated the period, in which the mendicancy and robbery, which theretofore prevailed, gave way to a system of laws, which compelled

every being to give an account of himself.

The noble Lord then proceeded to argue, that whatever could be done towards putting down outrage and disorder in Ireland, would tend materially to promote the welfare of the country by attracting that capital, the absence of which Mr. O'Connell had so much insisted upon as an objection to the bill. A poor-law, by giving the people the means of subsistence, tended more certainly, than any direct enactment could do, to introduce prosperity at once amongst the inhabitants of any country. One of the reasons which in his mind operated most strongly in favour of the proposed measure was among those which had supplied the learned gentleman with an argument of an opposite character—the great number of individuals who depended upon private charity. It was quite impossible that so large a mass of persons, in such circumstances, should not disturb the peace of the country, and, in default of their accustomed supplies, resort to depredation.

He was very much surprised that Mr. O'Connell should contend that this tax was more favourable to the landlord than to the occupier, since, in future, the burthen of supporting the poor would be distributed between the two, whereas formerly it entirely devolved upon the latter.

The noble Lord then proceeded to recapitulate many of the arguments in favour of the measure, which on different occasions had been already suggested. He thought that notwithstanding Mr. O'Connell's criticism, a real difference was perceptible between "poverty" and "destitution." There might be a whole country, almost

entirely filled with persons who were in a state of poverty, and yet not so near the condition of destitution that they would consent to any privation of personal liberty in order to procure food. This he believed to be the condition of the great proportion of the Irish poor.

Mr. Shaw said, that he felt that there was justice in many of Mr. O'Connell's observations upon the impolicy of compulsory provision ; but, notwithstanding these theoretical difficulties, he felt it to be their duty, as rational men, to consider whether some step might not be taken towards the improvement of the condition of the poor and destitute in Ireland. A state of abject destitution led to turbulence, breaches of the peace, and depredation. Although, however, he agreed with Lord John Russell in the principle of applying the workhouse as a test, he thought that it had been carried too far. He feared that the workhouses would be inadequate to the demands upon their resources, and that the restraints imposed upon the inmates would not operate as a check in the manner supposed. Under all the circumstances, it occurred to him, that the plan of giving relief to the aged, impotent, and infirm, aided by emigration, and public works, would be found, if not sufficient, the least objectionable plan. He was not afraid that a compulsory system would dry up the sources of private charity ; all such apprehensions he thought chimerical.

Messrs. W. S. O'Brien, Lucas, and Redington, supported the bill, though they felt, respectively, certain objections to many of its details.

Mr. O. Gore supported Mr. O'Connell's amendment, in the hope of getting rid of the bill alto-

gether. He objected to the workhouse system, as prejudicial to the best habits and feelings of the Irish. With respect to the rates, he considered that no rate could be levied in Ireland which would not eventually fall upon the owner.

Mr. Litton considered that the bill was at least worthy of the attention of the House, if it should be only found calculated to settle a few important points. Mr. Barron and Mr. John Young fully supported the bill. Mr. J. Gibson and Sir F. Trench opposed it, the former being of opinion that no poor-law was applicable to Ireland, and the latter expressing strong objections to the workhouse system in general.

The House divided on the original motion. Ayes 277 ; Noes 25. Majority against the amendment 252.

On the 12th of February, the House being in Committee on the bill, Lord Clements, while he gave his thanks to Lord John Russell for the measure, the main features of which had his approbation, stated, that its success must, in his opinion, depend upon the mode in which the patronage created by it was disposed of. Many of his constituents objected to the powers of the poor-law commissioners. Great care ought, he said, to be used in their selection, and precautions taken to secure proper persons. He was afraid that no good could be done without a very extensive system of out-door relief. And he thought that facilities should be given to the clergy of both persuasions for enabling them to bring about voluntary assessments in their respective parishes. He was of opinion that the bill should be first introduced in the western districts, where, from the

way in which land was managed, great poverty prevailed; unless it succeeded there, it would altogether be a failure.

In Sir E. Sugden's opinion, the proposed expenditure of a million for workhouses, before it was known how the bill would work, was very improvident. He recommended that the experiment should, in the first instance, be made on a small scale. He then expressed a strong objection to one clause in the bill, by which all the hospitals and other charities for the relief of the poor now existing, would be placed under the absolute control of the commissioners, who were empowered to bring such funds in aid of the general relief bill. This, he said, was not consistent with justice, and was, in his opinion, against law. It was, besides, impolitic to interfere with these funds, which would, if left alone, act as auxiliaries to the new scheme. He then noticed certain clauses which inflicted penalties on persons for the non-maintenance of their families, though the bill gave them no right to relief when destitute. And he pointed out other objectionable features in this part of the bill.

The first clause of the bill, which brought the whole superintendence of the system within the dominion of the English poor-law commissioners at Somerset House was then discussed, when, Mr. O'Connell having proposed, by way of amendment, that "the poor-law commissioners for Ireland be the commissioners to carry this act into execution," a division took place, and the original arrangement was carried by 117 to 23.

On the 19th of February, the House being in committee, Mr. Shaw proposed an important

amendment to the 35th clause, with a view to limiting the relief afforded under the bill, to the lame, impotent, old and blind. Mr. Shaw said, he was aware the strongest argument against his proposition would resolve itself into this question. How can you refuse relief to a man who says I am able and willing to work if I can find it? He would answer that, by saying he did not refuse to give such a man relief, but he would give it in another way. He would have recourse to the auxiliary means of either emigration or public works. The bill, as it stood, held out the hope of relief to the mass of Irish poor. This it was absolutely impossible could be afforded.

Lord Morpeth admitted, that it might be desirable that the practice, under the bill, should be assimilated to what Mr. Shaw would make the preremptory rule. But he entreated the House to abstain from fettering the discretion of the guardians, by putting it altogether out of their power to administer relief in particular cases of destitution, which would be productive of the worst effects.

Colonel Conolly deprecated the extensive system involved in the provisions of the bill, and supported the amendment.

Mr. Wrightson declared, that the bill could never be carried into effect. Mr. Nicholls had stated, as a principle, that the property of a district should find means to support its poor. Now apply that principle to Mr. Martin's estate at Connemara, or to Sir R. O'Donnell's, in the Isles of Arran, and they would find that the destitution would absorb the entire property of those districts. Again, the population of Ireland was 8,000,000. The rental 6,000,000*l*.



So that if the principle were to be followed out, the whole rental would not give more than a trifle to each individual.

Mr. O'Connell supported Mr. Shaw's amendment, in some observations which were based on very sound principles. He thought, however, it did not go far enough. But he was willing to make the experiment on the plan proposed by that gentleman.

Lord John Russell said, Mr. Shaw's proposition, while it subjected the people of Ireland to three fourths of the burthen, would not give them a participation of more than one fourth of the benefits, provided by the bill.

The amendment was rejected:—  
ayes 75; noes 134; majority 59.

The bill came on for the third reading on the 30th of April, when Mr. O'Connell made his last effort to arrest its progress. It certainly was a remarkable thing to find this gentleman, who is in general more conspicuous for the loose and exuberant impetuosity of his tongue, than for the scientific accuracy of his reasonings, prompt, upon this occasion, to apply the rigid demonstrations of the economists, and to press to an extremity the principles of that austere school. And whatever latitude we may, in other instances, have allowed ourselves in the construction of the motives of his conduct, it is but fair to remark, that in the present case, his conduct seemed to be beyond imputation. His opposition to the bill was boldly based on the most unpopular of all grounds; and he was, moreover, supported in his views by a very large portion of such of his fellow-Irishmen as were competent to form an opinion upon the subject. It was, indeed, no

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unfrequent remark at the time, that on this question alone it had been found possible to secure the unanimous opinion of that divided nation. Men of every faction, and of either religion, were combined for once in hostility to the details of the ministerial measure. And, be the merits of that scheme what they may, it was surely a hazardous enterprise to advance its execution in defiance of the people upon whom it was imposed. This union of parties was exemplified in the House of Commons by the circumstance, that the tellers for the *noes* were Lord Castlereagh and Mr. M. J. O'Connell. It is an equally significant fact, as expressing the opinions of the people out of doors, that while petitions *against* the measure were flowing in from all quarters, only four were presented in its favour. Mr. O'Connell therefore might well ask, whether "English Gentlemen would force upon the country a measure which the people rejected?" Nevertheless, it passed the House of Commons by a large majority. Ayes 234; Noes 59. Majority 175.]

Lord John Russell, on the 27th of March, opened the negotiations before adverted to, by asking Sir Robert Peel, in his place in Parliament, whether it was the intention of any member of the Opposition "to move an instruction to the Committee on the Irish Municipal Corporations Bill, authorising the total abolition of the municipal corporations of that country?"

Sir Robert Peel on the other hand, met this inquiry by another, and demanded to know "what course government meant to pursue with respect to the Irish Tithe Bill and the interests of the Irish church?" He then read from the

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journals of the House the resolutions which embodied the appropriation clause, and inquired whether it was Lord John Russell's intention to bring forward a measure which would involve the principle contained in those resolutions?

Lord John Russell, in reply, after enumerating the various attempts made by ministers, during the last four years, to effect a settlement of the Irish Tithe question, proceeded to say, that he did not think it wise, whether with reference to the interests of legislation, or to the respect due to the different branches of the legislature, or to the interests of the parties concerned, that this fruitless contest should be prolonged. It was, therefore, the wish of her Majesty's government to place the question "on a ground altogether new," which, he hoped, might be considered "worthy to form the

basis of an adjustment, and prevent the ill consequences of perpetuating the conflicting views entertained on this exciting subject." His lordship concluded by reading ten resolutions as the ground-work of the intended measure.

In his reply to this appeal, Sir Robert Peel stated, that he, for one, entertained a strong wish that it might be possible to come to a settlement with respect to the Irish Corporations Bill, and the bill relating to the Irish church; but he said he felt himself bound to declare, what, indeed, he had always declared upon this question, that security for the Irish church must be an essential condition of any such settlement.

It will be seen how far ministers were enabled to take advantage of this concession on the part of their opponent, and, at the same time, to satisfy the important requisition which accompanied it.

## CHAPTER VII.

*Dinner given to Sir Robert Peel by the Conservative Members of the House of Commons—His Speech, describing his policy as a leader of Opposition—Sir Thomas Acland's Motion for the Repeal of the Appropriation Clause—Lord John Russell opposes it—Ministerial Plan for settling the Tithe Question—Lord Stanley—Lord Morpeth—Adjourned debate—Mr. Ward—Mr. Shaw—Mr. O'Connell—Disorder occasioned by his speech—Sir Robert Peel—Sir Thomas Acland's motion negatived on a division—Sir Robert Peel declares his intentions with respect to the Irish Questions—Lord John Russell—House in Committee upon the Irish Municipal Bill—Debate on the mode of taking the value of the qualification—Meeting of the Whig party at the Foreign Office—Division on the franchise clause—Division on the third reading—Debates in the House of Lords on the Bill—Lord Lyndhurst's amendment to the franchise clause—Bill read a third time as amended—Amendments altered in the House of Commons—Conference between the two Houses—Lords Amendments finally rejected by the Commons—The Bishop of Exeter's three resolutions on the subject of Irish Education—Duke of Wellington's opinion on the subject—Debate and Division—Sir Samuel Whalley, the Member for Marylebone, unseated for want of qualification—Four candidates—Lord Nugent retires—Rivalry between Colonel Thompson and Mr. Ewart—Lord Teignmouth returned.*

**N**O man, it is probable, ever deserved better of a party, than Sir Robert Peel of his. They owe, indeed, very much to the constitutional *truth* of the position, (so to speak) into which their Whig adversaries, in their eagerness for office, impelled them—much to the errors, the divisions, the growing disrepute of those adversaries, and something to Mr. O'Connell; but unassisted by the

powerful faculties, the temperate wisdom, and the parliamentary tactic and address of their leader in the House of Commons, they could scarcely, it may be thought, have recovered with such steady rapidity, and with so few reverses, from the prostration in which the revolutionary struggle of 1831 and 1832 had left them.

In the session which immediately ensued upon the Reform Bill,

they never mustered in the House of Commons, on any division, more than one hundred members. On the 12th of May, 1838, a public dinner was given to Sir Robert Peel, at Merchant Taylors Hall, by 313 Conservative members of the House of Commons, of whom actually 300 were present at the entertainment. "A body of gentlemen, who," in the words of the Marquess of Chandos, the chairman, "being perhaps the most influential in the country, and being united heart and hand in support of his right honourable friend, and anxious to evince their sense of his public conduct, had invited him, as their guest, to receive publicly, at their hands, the full, unanimous, and enthusiastic approbation of his conduct in Parliament and elsewhere."

The speech delivered by Sir Robert, upon this occasion, is entitled to attention, as containing a luminous exposition of his policy in opposition. "My object," said he, "for some years past, has been to lay the foundations of a great party, which, existing in the House of Commons, and deriving its strength from the popular will, should diminish the risk and deaden the shock of collisions between the two deliberative branches of the legislature." Having dwelt upon the peril to which the Reform agitation had exposed the institutions of the country—having pronounced a panegyric upon the Duke of Wellington, "that man who is not without ambition, but without its alloys,"—and having adverted to the accession of Lord Stanley and Sir James Graham to his party, as an "union not the result of conferences, not the offspring of negotiations, but originally brought about by the force of circumstances,

and afterwards cemented by mutual co-operation, by reciprocal confidence and respect." The right hon. baronet continued in the following terms:—"Thus has this party been brought into existence, and we have this day fresh evidence of the strength it has acquired. It has been submitted twice to the test of public opinion. Twice has a dissolution taken place under circumstances calculated to determine whether this party has or has not the public confidence. One dissolution took place when it was in power, the other when power was in the hands of its opponents. On the first dissolution, in 1835, when I was at the head of the government of the country, the Conservative numbers were suddenly swollen from about 150 to more than double that number. I believe we divided, on the nomination of Speaker, 306 members. But it was then said, 'You owe success to the possession of power: wait till another dissolution takes place—wait till your opponents exercise those functions of government which you discharged when Parliament was assembled in 1835, and be prepared for a reduction in your numbers more rapid and striking than their increase.' Well, to that second test we have at length been submitted. The dissolution took place in the course of the last year with every circumstance calculated to be favourable to those in power. There was the accession of a youthful and beloved queen—there was one universal feeling of personal loyalty and attachment towards the sovereign ascending the throne, with every thing to prepossess in her favour. There was a lavish use of her Majesty's name for the purpose of influencing the elections. There

was a curious coincidence—a happy, a fortunate one, for the Government—of despatches approving of the conduct of public officers printed and circulated on the eve of a general election. There was no fastidious delicacy in the choice of candidates; for the hustings of Westminster exhibited a secretary of state voting in favour of one who had defended insurrection in Canada, and warmly advocated the cause of the Canadian revolt; and yet, notwithstanding this combination of favourable circumstances—the accession of her Majesty, the prodigal use of her name, the absence of all squeamish scruples in the selection of candidates—still the result of the general election exhibited our numbers unbroken; for, as we voted 306, having had all the advantages of dissolution during the tenure of government, the names attached to the invitation of this day, comprising 313 members of the House of Commons, will, I think, sufficiently demonstrate that, notwithstanding the adverse predictions to the contrary, the public confidence has not permitted our numbers to be reduced in consequence of the second dissolution.”

The right hon. baronet then entered upon a sort of apology for the extreme forbearance which had distinguished his course of opposition to the Government. “The possession of strength, the demonstration of power,” said he, “naturally brings with it some slight inconvenience. There is impatience in some quarters, that, seeing the strength we possess, it is not called into more frequent action.” — “But we must bear in mind, that the particular course which an opposition should take, must partly depend upon the principles they

maintain. Our more impatient friends in the country must recollect, that our very name almost implies a contradiction; we are a conservative opposition; we adopt the principles which used to be said to prevail in an administration; we not only adopt the principles of a government, but we perform many of its functions; and it must be borne in mind that we cannot, in conformity with our opinions, take that latitude of action which might befit an opposition acting on precisely contrary principles. An opposition which professed to think the ancient institutions of this country a grievance, which considered English society a mass of abuse, has a double ground of opposition against a government; it has, first, the ground of personal dissatisfaction with the course taken by government, censuring and disapproving of the acts of government, together with no indisposition to inflame popular discontent against the institutions of the country. But we must bear in mind that our duty prescribed to us by our principles is to maintain the ancient institutions of the land. We have no desire to exalt the authority of the House of Commons above the prerogative of the Crown; we have no desire to undermine the privileges of the House of Lords; on the contrary, it is our duty to defend them. The field of opposition occupied by those who seek to reduce and cripple our establishments is denied to us, because we wish to see the naval and military establishments of the country maintained in proper vigour and efficiency. It is not for us to inflame popular discontent by the exaggeration of public abuses. Nor can we lend the Crown our arm to shake or curtail the liberties of the

people. And therefore, in estimating the course we have adopted, those who feel some impatience with our apparent indifference and passiveness, should always recollect that the principles maintained by an Opposition do impose some practical restraint on the conduct they must pursue.

“I said,” continued Sir Robert, “that we maintain the principles and perform some of the functions of a government. I will prove this to be the case; that the position of the Administration and Government is inverted—that we hold the principles generally said to belong to Government, repudiating those which are powerful instruments when wielded by Opposition. Now, I want to convince you, that we have also been exercising some of the practical functions of a government so far as the legislature is concerned. I will select three main questions, without going through the great number of divisions in which, without the aid of the Conservative party, her Majesty’s government must frequently have had to lament the smallness of their numbers in competition with their Radical allies. I will take three questions—one connected with the religious establishments of the country, another connected with an important branch of domestic industry and internal commerce, and the third connected with the foundations of civil government, and the maintenance of the constitution of the House of Commons. The first question to which I refer merely as a specimen—for there are hundreds of others—the first I select is the motion made in the year 1837 for excluding the bishops from the House of Lords—“for relieving them,” I believe it was called,

“from the performance of their legislative duties in Parliament.” That motion was manfully resisted, as far as speeches went, by her Majesty’s ministers; it was resisted also by ourselves; but coming to the division, the ayes in favour of excluding the bishops were 92, the noes 197; the adherents of the government mustering only 50, whilst the Conservatives numbered 147. That is the first proof I give that I am not overstating our strength and influence, when I say that we do execute some of the important functions of government. The second question involved the repeal of the corn-laws. On that occasion (in 1838) the ayes were 95, the noes, 300; but 226 of the 300 were Conservatives, the Whigs only mustering 74, being, in fact, in a minority of 21.\* The last question to which I would refer, also in the present session, is the vote by ballot. Don’t let it be said that I am overrating the importance of that question. The vote by ballot was declared by the minister of the Crown in the House of Commons to be not only important in itself, but as involving mighty changes in the representative constitution of this country. It was resisted on that ground—not merely on the abstract objection to the ballot, but because it was interwoven necessarily with other and more important consequences. There voted for the ballot 198; against it 315: 254 being Conservatives, and only 61, composed of those who, acknowledging the minister as their leader, supported him in the objections he had taken to the adoption of that measure.”

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\* Chapter ix. post.

Sir Robert then proceeded as follows:—"I ask those friends who are impatient for more decisive action, to remember the steps by which our power has been daily advancing. I call upon them to remember that it has been by moderation, by prudence, by an undeviating adherence to our principles, that we have attained our present position. This I advise, that on every occasion, be the consequence what it may, we should resist the acts of the government when we believe them to be injurious, and avoid no fitting opportunity of enforcing the principles we maintain; that for the purpose of averting any change in the government, we should, on no account, abate in the slightest degree one of those principles which we consider essential to the security of our institutions in church and state; but I do hope we shall never be betrayed, for the sake of any temporary advantage, into an union with those from whose principles we wholly disagree. I also hope that we shall never adopt the advice which we sometimes receive from ardent friends and professed admirers—namely, to abandon altogether our duty in the House of Commons, for the purpose of creating embarrassment, by leaving the government to fight it out by themselves. My firm belief is, that by steadily performing our legislative functions, by attending to our duty, by censuring ministers, or attempting to censure them, when censure may be required, on all occasions by enforcing our principles, by amending their measures where they require amendment, though, at the same time, we should rescue them from temporary embarrassment, yet we shall thereby be

establishing new claims on the public approbation."

Lord Stanley, in the course of the evening, speaking of his alliance with the Conservatives, said, that it was "founded on the strongest motives which could act on private feeling, or influence public conduct—it was founded on a sense of common danger, on the conviction of a common interest."

This banquet was the precursor of a great motion made by Sir Thomas Acland on the 14th of May, for the repeal of the appropriation clause, being the day on which Lord John Russell brought his resolutions concerning Irish tithes under the consideration of the House.\* The noble Lord, on

\* "1. That it is the opinion of this committee that tithe composition in Ireland should be commuted into a rent-charge, at the rate of seven-tenths of their amount, to be charged on the owner of the first estate of inheritance.

"2. That it is the opinion of this committee that on the expiration of existing interests, so much of such rent-charge as shall be payable in lieu of ecclesiastical tithe should be purchased by the State, at the rate of sixteen years' purchase of the original tithe composition.

"3. That it is the opinion of this committee that the Ecclesiastical Commissioners for Ireland should be empowered, with the consent of the incumbents, to demand from the State the purchase, at the same rate, of any other portion of ecclesiastical tithe composition or rent-charge, not exceeding one-tenth of the whole amount in any one year.

"4. That it is the opinion of this committee that until such rent-charge shall be purchased or redeemed, the amount of ecclesiastical rent-charge and minister's money should be paid to the incumbents from the Consolidated Fund.

"5. That it is the opinion of this committee that the arrangement of such payments, and the investment of the purchase monies paid by the State for



moving that the Speaker should leave the chair, said, that it had been his original intention to refrain from saying a single word, and to reserve what he had to remark upon the subject for the committee. But it had pleased the gentlemen opposite to give notice, that they meant to interpose another question, to raise a debate, and produce a division, before allowing the resolutions to be considered in committee. With regard to the proposition about to be made by Sir Thomas Acland, a proposition to which he had, no doubt, been instigated by his diocesan, he should consider it in two points of view—with reference to its object of producing discord and bitterness of

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ecclesiastical rent-charge, should be intrusted to the ecclesiastical commissioners for Ireland.

"6. That it is the opinion of this committee that the rent-charges for ecclesiastical tithes should be appropriated by law to certain local charges now defrayed out of the Consolidated Fund, and to education; the surplus to form part of the Consolidated Fund.

"7. That it is the opinion of this committee that the rent-charges for ecclesiastical tithe and minister's money should be collected by the commissioners of woods and forests for five years, and until Parliament shall otherwise provide.

"8. That it is the opinion of this committee that further provision should be made by law for the regulation of ecclesiastical duties, and the better distribution of ecclesiastical revenues in Ireland.

"9. That it is the opinion of this committee that provision should be made for the revision of certain tithe compositions, where such compositions operate with injustice.

"10. That it is the opinion of this committee that the rent-charges for lay tithe should be collected by the tithe-owner, and facilities afforded for redemption upon mutual agreement between the parties."

feeling amongst them—and also how far such a course was conformable to the professions made by gentlemen opposite with respect to the Irish church.

The noble Lord then proceeded to dissert, at some length, on the subject of the alliance of church and state generally, and to contend, that the clergy of the church of Ireland could exercise little of the influence over the morals and spiritual welfare of the people, which it should be the purpose of that union to promote. By the last census, it appeared, that the population of Ireland was upwards of 8,000,000, of those, six millions and a half were Roman Catholics, 650,000 Presbyterians, and 852,000 members of the Established Church. Yet, anomalous as the state of the Church of Ireland was, he came to the conclusion, that any measure involving its destruction, would also involve a breach in the Act of Union, endangering the integrity of the empire, and probably occasioning such a rent in the whole ecclesiastical constitution of these realms, as greatly to prejudice the Church of England. To the people of Ireland, therefore, he might say, "it is for your advantage that the principles of the Union should be maintained; that general advantage will outweigh the particular hardships you may complain of in the institutions of your country." But, while he considered this to be a just argument, he did not expect that it would entirely satisfy the people of Ireland. For that reason, he had at all times endeavoured, by some means or other, to involve Irish affections in objects connected with the Established Church, in order to provide for that church an additional security. The resolu-

tions which Sir Thomas Acland was about to impugn, seemed to him calculated to afford some satisfaction to the Irish nation, but they had not met with the concurrence of the other House.

The noble Lord then went on to develop his scheme. He stated that the existing tithe composition would be converted into a rent-charge at the rate of 70*l.* for every 100*l.*; that the rent-charge should (with a saving of existing interests) be redeemed by the government at the rate of sixteen years purchase on the full sum of 100*l.* (Sir Henry Hardinge had only proposed to give the church fifteen years purchase); that the money received in redemption of the rent charge should be invested in land or in such other way, as the ecclesiastical commissioners should advise, and the rent-charges themselves, when purchased should go towards a fund from which 160,000*l.* should be annually paid to the constabulary force of Ireland, 20,000*l.* to the Dublin police, 70,000*l.* to the expence of criminal informations; and that further, instead of the 50,000*l.* now voted annually for the purposes of education, 100,000*l.*, should thereafter be paid from the same source for that object. Any surplus should be applied to charitable purposes.

Lord John Russell then deviated into a string of observations on what he called "the exorbitance and obstinacy of the clergy," and at length arrived at Sir Thomas Acland's motion with which he was apparently very much out of humour. He commenced his argument on this part of the subject by quoting the Duke of Wellington's declared desire, to see the Irish questions brought to a final settlement, and he contended that

the present motion was not in accordance with that declaration. "If indeed" said he, "The Duke had added a few words to that declaration, and those words had been different from all the rest—if he had said, 'But I have one proposition to make more, namely, that the declarations which the noble Lord made in the House of Lords at the commencement of his administration should be repudiated, and the resolutions which were come to by the House of Commons shall be rescinded'—(*Great cheering from the Ministerial side*)—if the noble Duke had said, *that*, he would at once have provoked this answer from the noble Lord at the head of the Government—'It is true that you have made these proposals, but you couple with them conditions inconsistent with our principles—inconsistent with our honour—(*Cheers from the Opposition*), and upon such terms I cannot propose any measures upon these subjects.'" It is owing to the concealment of those conditions, conditions which I say would have been inconsistent with our principles and our honour, that our opponents have been able to go on from that time to this in the course I shall presently describe. In the first place, I ask, was the declaration of the Duke of Wellington given with their assent and authority or was it not? If it was not, they ought immediately to have declared a difference of opinion. If it was, I cannot conceive how it could be, that at the end of the session of 1837, they could propose certain propositions of arrangement, and at the same time conceal or hide that which they knew we could never agree to, and to which it was impossible

that our assent could be obtained. I say this because we have acted upon the strength of the declarations made by our opponents in this and the other House of Parliament, and upon the assurance, as I may say, which was generally understood, that any propositions that were to be made should be propositions that we might consistently support."

Acting upon the faith of this declaration, continued the noble Lord, and at the suggestion of Lord Melbourne, he had pressed forward the poor-law bill, (a measure not likely to add to their popularity), and their tithe bill, and had held back the corporation bill, which was generally acceptable in Ireland. With respect to the latter measure, he had, at the request of Sir R. Peel, postponed going into committee, till after the tithe question had been brought on. Had he been aware of Sir T. Acland's intentions, he never would have adopted that course. An unfair advantage had been taken. "The only advantage I have," continued he, "is that, which I shall derive for my future guidance, from the past conduct of my opponents, which is that whenever they make professions, I shall consider those professions as snares; that whenever they make declarations I shall consider those declarations as stratagems, and intended to deceive." With respect to the principle of the appropriation resolutions his opinion was unaltered. It was a wise and just principle; and he could not consent to its reversal, which moreover would imply a stigma upon the Ministers which he would not consent to bear.

Sir Thomas Acland then rose and moved that the resolutions of

the 7th and 8th of April 1835 should be read.\* The hon. Baronet afterwards addressed the house at considerable length, and concluded by moving that the two resolutions be rescinded.

The motion was seconded by Sir Eardly Wilmot. Sir Charles Lemon, Lord Leveson, Mr. Slaney and Sir W. Somerville spoke in opposition to it; Mr. Colquhoun, Colonel Connolly, Mr. Milnes, and Mr. Lefroy supported it.

After these gentlemen had delivered their opinions, Lord Stanley addressed the House. "I regret to observe," said he, "that the resolutions of the noble Lord opposite have been carefully and artfully so framed, as to say to the one party, 'see, I maintain your principle of appropriation;' while to the other party he can say, 'you are raising a factious opposition to the motion, and to a resolution which does not involve the principle of appropriation.'" The noble Lord had exhibited great ingenuity, for he had spoken on the question of appropriation for nearly two hours, and at the end of his speech he (Lord Stanley) defied any hon. Gen-

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\* "That any surplus revenue of the present Church Establishment in Ireland, not required for the spiritual care of its members, be applied to the moral and religious education of all classes of the people, without distinction of religious persuasion, providing for the resumption of such surplus, or of any part of it as may be required by an increase in the number of the members of the Established Church.

"That it is the opinion of this House, that no measure on the subject of Tithes in Ireland can lead to a satisfactory and final adjustment, which does not embody the principle contained in the foregoing resolution."

tleman to determine whether or not, the noble Lord had abandoned the principle of appropriation. It had however been broadly declared that the resolutions of the noble Lord did not involve any principle of appropriation whatever. And he supposed that the noble Lord could hardly venture upon the contrary proposition. But he stood in this situation. "The resolution, which was passed in 1835, declared that any surplus beyond that which was required for the wants of the Protestant Church should be devoted to the purposes of education, without any reference to the religious persuasion of those who were to be educated. A further resolution of the noble Lord affirmed, that no plan could be final, or satisfactory for the settlement of the tithe question, which did not embody that resolution. These were the resolutions which the noble Lord proposed in 1835. Now, the more that the noble Lord proves, that in his present resolutions there is no principle of appropriation of the surplus, the more necessary is it that the resolution of my hon. Friend the hon. Baronet be agreed to, and the resolution rescinded which denies the possibility of a settlement of the tithe question without embodying in it the Appropriation principle. The noble Lord and the hon. Gentleman opposite are placed in this dilemma, and I defy them to get out of it. Either the resolutions now proposed include the objectionable principle of applying to secular purposes the revenues of the Church, or they do not. If they do, then it is a principle which the noble Lord is perfectly aware that Gentlemen sitting upon this side of the house, never will give their assent to.

He knows that no proposition founded upon such a principle can lead to a settlement of the tithe question. If the resolutions do not include that Appropriation principle, and the noble Lord has declared that they do not, he has avowed, then, that this is a settlement which does not contain a principle without which he has already admitted, that it can be neither satisfactory nor final. Is it, then, too much to ask of the noble Lord, when he invites us to an amicable settlement, to beg of him at once not to stultify himself as well as us?"

With respect to the alleged want of faith on the part of the Conservatives, Lord Stanley spoke as follows, "The noble Lord has spoken of an agreement or understanding being entered into or implied by the Duke of Wellington. And I now ask him, will he pretend to tell me that the Duke of Wellington, at any time, or under any circumstances, held out the hope that he would be a party to any agreement in which it was stipulated that the Appropriation clause should be persevered in? If an agreement were come to upon this question, must not the very basis of it be the abandonment of the Appropriation-clause; and if it be abandoned, then I say that the manly, straightforward and the frank way of doing it, would be, to come forward and to say frankly, 'We wish to settle this question, and, relying upon the honour of a noble personage, who has stated his wish to have it settled, we are anxious to join him in doing so; and in order that he may be sure we mean exactly to fulfil the compact, we, with that understanding with him, frankly rescind a resolution which stands in the way of

a fair and just settlement of the question.' Does the noble Lord pretend not to know the beneficial effects which the rescinding of that resolution would have? Does he not know that the minds of the clergymen of Ireland will be disturbed, and their fears excited, as long as he keeps that resolution hanging over their heads; and that on rescinding it, they would consent to a settlement proposed by him, even though the greatest pecuniary sacrifices might fall upon them? Does he not know that the greatest objection to the introduction of the Municipal Bill into Ireland rests upon this? for before that measure is consented to, it is desired to see greater security given to the Church. The noble Lord declines to withdraw his resolution. It remains then over the heads of the clergy; it fetters legislation, and it places a vast gulf between him and us; for it may lead to and facilitate ulterior views."

Lord Morpeth followed Lord Stanley. His Lordship complained that the purport of the measures before the House had been much mis-represented by the clergy. It had been stated that the stipends of the church were to be paid by annual votes of the House. Now, what were the facts? It was proposed to place the clergy on the same footing as the judges, and the great Officers of State, on the same footing as that on which the Civil List of the Crown itself was by law guaranteed. This would be done by Act of Parliament, which could not be reversed, but by the collective consent of the legislature. The proposed arrangement could not in any point of view, be considered as unfairly pressing on the clergy.

The debate was then adjourned

till the following day, when Mr. Litton in renewal of the discussion, delivered a speech in favour of Sir T. Acland's amendment.

Mr. Lascelles followed on the same side; Mr. Redington and Mr. Townley opposed the amendment, which was supported by Mr. Young, and Lord Sandon. Mr. Bennett remarked that he had voted against the Appropriation clause, in opposition to those with whom he generally acted; but he was not, and never had been a party man, and he considered Sir T. Acland's motion to be made, not with a view to remove an objectionable resolution from the journals of the House, but for the purpose of a great trial of party strength. He desired it to be understood, that, in opposing this motion, he did not depart from his ancient opinion. He admitted that Lord John Russell's resolutions were not very clear; but after carefully considering them, and after the explanations which had been given, he declared that he could not discover a vestige of the Appropriation clause in them.

Mr. Ward (a great authority on this question) said, he had thought that he had descried in the resolutions the germ of the appropriation principle, but he was assured by Lords J. Russell and Morpeth that that principle was abandoned on the faith of the Duke of Wellington's declaration. He deeply regretted this. He looked on the resolution which recognised that principle as strictly binding on ministers.

Mr. Shaw stated the revenues of the church of Ireland at 498,148*l*. This did not all belong to the parochial clergy, who received no more than 486,784*l*. The residue went to the bishops,



and other dignitaries. At present there was no tithe in Ireland; a composition having superseded it. Whenever the landlords undertook to ensure payment to the clergy, they had in almost all cases been allowed 15 per cent. for their trouble. He thought that the proposed reduction of 30l. per cent. was too large. He also objected to the mode proposed for investing the purchase money of the rent-charge. As to the sixth resolution, the form, if not the substance, of the appropriation clause lurked there. Taking that resolution in connexion with the tenth, which placed lay tithe on an entirely different footing, it was impossible not to suspect that a prospect was held out of some ulterior application of this fund, when diverted from the Protestant clergy. In conclusion, Mr. Shaw promised Lord John Russell his co-operation in the tithe and corporation questions, as soon as the appropriation clause was fairly abandoned.

Mr. O'Connell said, the real question before the House was, how should Ireland be governed? This was the question that had been under discussion for 700 years. Shall Ireland be governed by a section? (*Vehement shouts from the Opposition.*) Mr. O'Connell then continued in the following strain: "I thank you—(*Noise renewed*)—for that shriek. Many a shout of insolent domination — (*Noise*)—despicable and contemptible as it is—(*Noise*)—have I heard against my country." (*Uproar continued, during which, Mr. O'Connell, with uplifted fist and great violence of manner, uttered several sentences which were inaudible in the gallery. The Speaker was at last obliged to interfere and call the House to order.*) "Let them shout. It is a

senseless yell. It is the spirit of the party that has placed you there. Ireland will hear your shrieks. (*Continued uproar*) Yes; you may want us again. (*Roars of laughter.*) What would Waterloo have been if we had not been there? (*Ministerial cheers, and opposition laughter.*) I ask not that question for your renowned Commander-in-chief, who is himself an Irishman, but for the hardy soldiery of Ireland, who fought the battle for him. (*"Question" and laughter from the Opposition.*) I say again, that is the question. The question is, shall the people of Ireland be amalgamated with the people of England? Refuse to receive us into that amalgamation, and abide the consequences. (*Cries of "hear!" from the Opposition benches.*) Sneer at me as you like, but recollect that I speak the voice of millions, who will hear again of the base insult offered to me this evening. (*"Question, question!"*) In the sequel of his speech Mr. O'Connell admitted, that the ministerial plan did not go far enough, but he was ready to accede to it for the sake of an amicable arrangement.

Sir Robert Peel, to whom the present occasion was one of no slight triumph, then rose. He recapitulated what had passed upon this subject. He observed that he came into office at the end of 1834; and so desirous was he of settling the tithe question, that he exposed himself to the charge of plagiarism by adopting the principles of the former government. But he was met by a preliminary objection, and it was avowed to be necessary to pass a resolution embodying in it a certain abstract principle. In vain he told the noble Lord, that he might have



equally triumphed over him by bringing in a practical measure, and deprecated the introduction of a principle which would bind Parliament hereafter. It was thought fit to declare that no settlement of the tithe question could at any time be satisfactory which did not embody this principle "I told you," continued Sir Robert Peel, "that your triumph, as public men, would be of short duration. I did not mean official triumph; it is possible for men to be in office and not triumphant." He then referred to the mode in which ministers had dealt with the question subsequently; reminded them how they had opposed the separation of the bill into two parts, as proposed by him in 1835, and how Mr. Spring Rice had told him upon that occasion that "it would have been much more decent if he had come down and asked them to rescind the resolution they had sanctioned in so many forms." That, according to Mr. Rice would have been the more straight-forward course. "And now," said Sir Robert, "when we adopt the very suggestion that was offered to us, we are told that we are making you pass under a disgraceful and dishonourable yoke."

With respect to the negotiations, and the alleged breach of faith upon his part, Sir Robert Peel clearly, proved that Lord John Russell's complaint of being overreached was without a shadow of foundation. On the other hand, he exposed the suspicious obscurity of the present resolutions. Did they or not, he asked, contain the appropriation principle? The noble Lord's conduct was without a precedent. He called upon Parliament to come to the discussion of a great question, upon a motion

which he intended should be the foundation of the final settlement of that question, and yet so ambiguous was the language which he made use of, that it was impossible to say for certain what was, or was not the purport of his scheme.

After a speech from the Chancellor of the Exchequer, the House divided, when Sir Thomas Acland's motion for the repeal of the clause was negatived by a majority of 19. The numbers being 317 to 298.

On a following day, the 18th of May, Lord John Russell gave Sir R. Peel distinctly to understand, that the tithe measure would consist solely of a proposition, to the effect that the composition, then existing, should be converted into a rent-charge.

On the 29th of the same month, Lord John Russell having moved that the House should go into Committee on the Irish Municipal Corporation bill, Sir Robert Peel rose for the purpose of declaring, according to his promise, his views and intentions with respect to the two great Irish questions.

After adverting to the advances made towards an amicable arrangement by the Duke of Wellington and himself, he went on to show that the proposal lately made by Sir Thomas Acland was in no wise inconsistent with their professions. He then stated generally his opinion of the ministerial tithe measure. He should give his consent to the proposition for converting that impost into a rent-charge. But with respect to the redemption of the rent-charge he saw great difficulties. The proposal also for investing the purchase money was by no means free from embarrassment. To convert the church into a great land-holder was, he

thought, a plan open to objection. He should cordially assent to the proposal formerly made by Lord Stanley, and now renewed, for the purpose of removing real abuses in the Irish church. He would consent to a reduction of the emoluments of livings where the duty was disproportionately small. Sinecures he would entirely abolish. In parishes where there were non-residents, he would provide for a resident minister.

He then came to the subject of municipal corporations. He admitted that the corporations, if established at all, should be placed on the basis of popular election.

The bill, which had been read a second time, and the object of which was the establishment of corporations, in a schedule which was attached to it divided the towns of Ireland into three classes, described as A, B, and C; and he proposed, in the first instance, to deal with the first two schedules, A and B. These schedules included eleven towns, — namely, Belfast, Cork, Dublin, Galway, Kilkenny, Limerick, Waterford, Clonmel, Drogheda, Londonderry, and Sligo; and these towns were of such an extent as to contain a population exceeding 15,000 each. Now, with respect to these, he should assent to the extension of corporate rights to the whole of them; and he would assume that this was a course which was beneficial and proper for towns of their magnitude. He did not quarrel with the duties imposed on the corporations under this bill; and the material point for consideration would be, therefore, the franchise which it was intended to grant; and the House was bound to define the nature of the franchise which it was proposed to give.

He should positively insist, that that franchise should be a *bonâ fide* one. And he conceived that the most satisfactory test of the franchise would be afforded by the valuation about to be taken under the New Poor-law Act. He was ready then to take a 10*l.* franchise, with the condition that it should be a *bonâ fide* franchise. And he meant to propose as a qualification for the elector, in all the towns enumerated, that he should be rated to the relief of the poor to the amount of 10*l.* value, either for a house or for a house and land, within the limits of the borough; and that occupation for a year, residence for six months, and payment of all taxes and cesses to which the claimant might have been rated within the preceding three months, should be required. And he should further insist upon the receipt of alms being a disqualification.

With respect to the towns in schedule C, he would leave it to the option of the majority of rate-payers to apply for a charter. But he would not impose it upon them.

Lord John Russell acknowledged that Sir Robert Peel's communication of his views had been made in a spirit and manner which showed no inclination to obstruct the settlement of these important questions. With respect to the value of the franchise, as proposed to be estimated by the right hon. gentleman, he admitted that he was not then prepared to express an opinion upon it. But they were agreed upon the principle, and the only question between them regarded a higher or lower amount of value.

On the 1st of June, the consideration of the subject was renewed, the House being in Com-

mittee. Mr. Shaw moved, that schedules A and B should be consolidated, which would leave but two schedules instead of three. The first to contain the towns to which corporations were to be given, with an uniform 10*l.* franchise: the second to contain those in which the majority of the 10*l.* householders might, according to their option be incorporated, and the right hon. Gentleman further proposed that Sir Robert Peel's mode of estimating the qualification of electors should be adopted.

Lord John Russell consented to that part of the proposition, which regarded the distribution of the towns to be incorporated, but, at the same time, intimated that it seemed to the Government that an uniform 10*l.* franchise, to be measured by a rating to that amount, would be too high a qualification.

It was upon this article that the two parties finally found it impossible to come to terms. The question was shortly this. The bill, as first introduced, enumerated forty-seven boroughs to which corporations were to be extended. In seven of these, a 10*l.* franchise, and in the remainder a 5*l.* franchise, without the test of rating, were to be established. We have seen the alterations which obtained the sanction of Lord John Russell. He also agreed to admit the test of rating if accompanied with a reduction of the 10*l.* franchise to 5*l.* Here issue was joined. The Conservatives measured the value of a house by the rent which it would give the landlord, he paying all such charges (such as repairs) as were necessary to enable him to command that rent: or in other words by the rent which it fetched, deducting what might be necessary to keep the premises in

a state to be worth the rent. And this is the kind of value upon which an assessment usually attaches. The ministerial party, on the other hand, contended that the value ought to be estimated by the gross rental. And that whoever paid 10*l.* a year to his landlord, together with the tenants' taxes, should be considered a 10*l.* householder without any deduction for repairs. And they very forcibly urged that the restriction now insisted upon by the other party, was not imposed on the 10*l.* householder who voted for members of Parliament in England, or for municipal officers in Scotland; while the English municipal bill was content to require rateability alone, without regard to the amount. By the 10*l.* franchise nothing could be meant but the parliamentary qualification of that denomination. But Lord John Russell readily admitted that, under the existing system of valuation in Ireland, much room was afforded for perjury and fraud,\* and he therefore had no objection to the assessment as a test of value—but insisted, in that case, upon a reduction of that value. He accordingly proposed an assessment of 5*l.* as the qualification, which was resolutely refused by Sir Robert Peel, who stood out for 10*l.* and the assessment.

It is understood that the ministry seeing the determination of their opponents, and being, to all appearances, sincerely anxious to settle the matter, if possible, took the sense of their party at a meeting which assembled at the Foreign office. But the result

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\* See upon this point the voluminous evidence taken by the committee of the House of Commons on "fictitious votes in Ireland,"

was unfavourable to any further compromise. On the 11th of June, Sir Robert Peel, in committee, moved to substitute 10*l.* for 5*l.* as the proposed qualification; this amendment was finally negatived on a division by a majority of 20; the numbers being 286 to 266.

The bill came on for the third reading, on the 25th of June, on which occasion, Lord Francis Eger-ton moved, that it be read that day three months. The House divided, after a debate which consisted of little but a repetition of former arguments, at no time very diversified, and the bill passed by a majority of 35. Ayes 169: noes 134.

As this bill was very shortly disposed of in the House of Lords, it may be convenient to follow it at once into that Assembly, where it came under deliberation on the 12th July. Lord Lyndhurst, in committee, moved the amendment to the 5*l.* clause. It seems to have been an improvement upon that proposed in the Commons, and a nearer approach to a *bond fide* value. It provided that to the amount of rating should be added the estimate for landlord's repairs, and for insurance, and if these sums together amounted to 10*l.* they would constitute a qualification. This certainly would appear to be a very fair proposal. The matter, however, is an intricate one, requiring, as Lord Lyndhurst observed, "the most minute inspection, and a vast deal of consideration of various bills to understand the point."

Lord Lyndhurst proposed, at the same time, various other alterations, which will be noticed, when we accompany the bill on its return to the House of Commons.

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The House divided on the Amendment to the franchise clause, when there appeared for the Amendment 96; against it 36: Majority 60.

On the 27th of July, Lord Melbourne proposed that the Bill be read a third time. He said, that, though he did not concur in the various amendments which had been introduced, he wished to submit that the bill should be sent to the other House. His Lordship with some truth observed, that the Bill was a concession on the part of that House; it bespoke an abandonment of a principle which theretofore they were very resolute in maintaining. Now it might be right in them to take their stand on principle, and to oppose themselves to popular clamour. But there was nothing so imprudent, as when they were prepared to make a concession, not to make it sufficiently extensive; there was nothing so unwise as not to take care that they obtained the object for which they gave way. The Bill was then read a third time.

It came under consideration in the other House, in its amended shape, on the 2nd of August, when Lord John Russell entered into a detailed examination of the Lords' amendments. The original Bill saved all rights to which freemen were entitled by birth, servitude, or marriage; but the Lords had added the words "and all rights to which they may become entitled." This Lord John Russell observed was a suspicious amendment as regarded the City of Dublin, where an anomalous practice existed of admitting freemen by the corporate body, who had not the claims which the Irish Reform Act and which the present bill,

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framed by the Commons, recognized. A large class of the Lords' amendments were intended to preserve to members of the existing corporations, rights, offices, powers, and privileges, which it was the object of the Commons to transfer to newly-constituted bodies. The present corporation trustees of charities, and for lighting, paving, and cleansing the towns, were to continue in office; whereas in England, under the Corporation Act, the powers possessed by the abolished corporations were given to the new ones. The present corporations were empowered to mortgage their property for debts due before the passing of the act; now, was it not probable that the whole of the property would be mortgaged for debts which nobody had ever heard of? The suspicion he entertained was not his individual fancy, for the legislature had declared the existing corporators unfit to exercise the authority they held. Another amendment preserved in their places the entire body of the present local officers, Town-Clerks, Bailiffs, Treasurers, Weighmasters, Assaymasters, Clerks of markets, and others, in all the boroughs whose corporations were abolished by the bill, until they shall be removed by Commissioners who might be appointed under the Act, or if there were no Commissioners, by the Lord-lieutenant. Now this Lord John contended was a provision not only for retaining certain persons in office, but for the preservation of the abuses which it was the object of the bill, as it passed the Commons to remove. Various other provisions were carefully framed to take from the Town-councils to be elected under the act that control over the corporate

property which Town-councils in England and Scotland possessed. These amendments he insisted were framed with the interested, narrow-minded, perhaps factious view, of preserving as much power as possible to the old, and giving as little as possible to the new corporations: it was for Parliament to consider whether the peace and good government of Ireland would be best secured by such a policy. It was most impolitic to deprive the new Town-councils of essential functions; leaving them in fact little to do but to debate, and withdrawing their attention from the local concerns on which it was so desirable that it should be fixed. If political agitation should follow the establishment of elective corporations, the authors of the amendments would have only themselves to thank for the mischief.

With respect to the amendment which limited the bestowal of corporations to twelve towns, leaving others to be governed in a different manner, Lord John said, that though he could not say, that he concurred in it, he was not then prepared to object to it. There were a number of new clauses and provisions relating to the boundaries of towns, which the House would not have sufficient time to consider, since they could only be discussed at the present stage of the Bill. The power of appointing sheriffs had been taken entirely from the Council and given to the Crown. A very great alteration had been made in the franchise. The five-pound rating had been changed to a ten-pound rating; and instead of a six months' occupancy, (though six months had been preserved in one of the clauses,) twelve months' occupancy

and rating seemed to be required by a subsequent clause.

Lord John Russell then went on to state what he meant to propose with regard to these amendments. He should move that the House entirely disagree with that class of amendments which preserved to the present corporators certain trusts, powers, and authorities, not retained for the old English corporators by the English Act. He would agree to the limitation of the corporations to the eleven towns in schedule A; but instead of the cumbrous machinery, by which it was provided, that the local concerns of other towns, whose corporations were abolished, should be managed by Commissioners, he should prefer that the provisions of the 9th George the Fourth be extended to them, if they made no application for corporations within twelve months after the passing of the bill. To the boundary clauses he would add a proviso, giving to the Lord-lieutenant authority to include suburbs, and make a better division of wards on application from the inhabitants. He would restore the clause respecting the appointment of Sheriffs. (By this clause the Town-Councils selected three persons, of whom the Lord-lieutenant was to choose one.) With respect to the franchise, the noble Lord proposed to fix the qualification (in effect) at eight pounds with rating to be ascertained in the following way. He would provide that one-fourth of the sum at which a house was rated should be added to that sum, for repairs, insurance, and other charges. When the two sums added together made ten pounds, the occupant acquired the right of voting; which is equivalent to a provision that a rated

house of 8*l.* rent shall confer the franchise. He considered this a far easier and better mode of ascertaining the real value than that proposed in the Lords' amendment; for there would be constant variations and exaggerations and difficulty respecting the amount to be set down for repairs and insurance, which by the fixed sum of twenty-five per cent. would be avoided.

Sir Robert Peel, in a long speech, defended the amendments of the Lords, and after a good deal of discussion, and a division on the boundary question, the two parties came to issue on Lord John Russell's new proposition with respect to the franchise, which was only carried by a majority of fifteen; the numbers being 169 to 154.

A variety of alterations were then introduced in the Lords' Amendments, and the Bill was once more sent up to that House, which declined to assent to the Commons alterations: a conference then took place between the Houses; but with no effect; and the matter ended by Lord John Russell moving in the House of Commons, that "the Lords' amendments should be further considered that day three months."

It certainly might be desired that the Conservative party, and in particular, that portion which is composed of Irish gentlemen, having once brought themselves to concede the great principle of granting popular corporations to the Irish towns, could have been induced to overlook a difference of a pound or two, in the qualification. An opportunity was thus lost of getting rid, by a timely and dignified concession, of one of those questions, upon which success does not add to the strength of the



conquerors, while it aggravates the irritation of the vanquished. When the arguments made use of by the opponents of a mitigation of harsh and exclusive laws and institutions have no better foundation than state necessity, however, real, they command, at the best, a reluctant assent and very often recoil upon those who advanced them. We may be sure, in the present case, that if the Protestant Establishment is to fall, its ruin will be little delayed by the substitution of a 10% for an 8% franchise, in such municipal corporations as it is now proposed to establish; as little can we doubt that its security is not promoted by those, who make a practice of interposing it as a barrier, between the Irish Roman Catholics, and the civil privileges which they are eager to possess, in common with the Protestants of the kingdom.

On the 25th of May, the Bishop of Exeter, in one of his long and controversial speeches, moved three resolutions, in the House of Lords, to the following effect.

“ 1st. That it appears that the system of national education in Ireland has failed to attain the objects, which are stated in a letter written by Mr. Stanley, now Lord Stanley, to the Duke of Leinster; especially as to uniting Roman Catholics and Protestants in the same schools.

“ 2nd. That the working of the system has tended to the undue encouragement of the Roman Catholic religion, and discouragement of the Protestant religion in Ireland.

“ 3rdly. That the modifications recommended in the fourth report, have not been found adequate to prevent or mitigate the evils complained of.”

The Marquess of Lansdowne,

while he admitted, that the system had not succeeded to the extent that might have been anticipated by hopes of the most sanguine description, contended that it had answered infinitely better than any which preceded it. It had accomplished the communication of the blessings of a civilized education to the people of Ireland without distinction, to a degree infinitely beyond what might have been expected.

The noble marquess then entered into very copious details in support of this assertion, and in defence of the system generally.

The Duke of Wellington said, that he had never thought well of this scheme of education, and had originally voted against its adoption; but having since, when in office, become a party to carrying it into execution, and having concurred in grants of money for its support, it was now out of his power to sanction the resolutions before the House. It was impossible, said his grace, to alter a system like this every day, or as often as a ministry was changed. When once adopted, it was absolutely necessary that it should be continued on the principles on which it was originally framed.

The duke proceeded to observe, with his usual good sense, that, however important might be the resolutions of that House, their lordships must be aware, that the Government and the House of Commons were likely to carry the fourth report of the commissioners into execution, in the course of the session, and it did not appear desirable that the House of Lords should take a course inconsistent with that determination.

His grace then intimated his intention of moving the order of

the day, in case the Bishop of Exeter persisted in taking the sense of the House upon his resolutions.

The resolutions were opposed by the Bishops of Derry and Norwich.

Lord Wicklow coincided with the Duke of Wellington in his view of the case.

Lord Winchilsea, the Bishop of London, and Lord Roden, supported the Bishop of Exeter.

Lord Fitzgerald and Vesey said, he could not abandon the hope of seeing a system of united education working successfully in Ireland. He felt strongly the difficulties in which the commissioners were placed in endeavouring to adapt any system whatever to that country, divided as it was. If they had ultimately failed, it was from circumstances which no man, or set of men, could control, and which no human power could prevent.

Lord Melbourne remarked, that he should have preferred meeting the resolutions with a direct negative, but he did not object to the course taken by the Duke of Wellington.

The order of the day was carried by a majority of 71 to 26.

Early in the year, the Conservatives accomplished an unaccustomed triumph, by returning their candidate to Parliament, at an election for a metropolitan borough. Sir Samuel Whalley, who had previously represented Marylebone, having been constrained to abandon his seat, on account of a defect

in his qualification, four competitors appeared to dispute the vacant office. Colonel Thompson and Mr. Ewart, the ex-members for Hull and Liverpool, and Lord Nugent, divided the inclinations of the "liberal" section of the constituency; while Lord Teignmouth took the field on the conservative interest. Lord Nugent soon withdrew; but Mr. Ewart and Colonel Thompson, who both rejoice in the designation of "Radical," could not accommodate their rival pretensions. Neither would give way; and, although the event of the poll fully justified Mr. Ewart, Colonel Thompson displayed, throughout the proceedings, no little degree of irritation at that gentleman's presumption in interposing himself upon this occasion. Lord Teignmouth was returned by a majority of 404. The numbers being, for the noble lord, 4,166; Ewart, 3,762; Thompson, 186. So that Lord Teignmouth's success was independent of any advantage which might have been derived from the division which prevailed in the opposite party. Colonel Thompson's confidence in his pretensions does not seem to have been affected by the somewhat significant language of the poll. He sought consolation for his disappointment by attacking his co-radical adversary, through the medium of the newspapers, fixing upon him, by way of climax, after other terms of reproach, what both seemed to consider, the uncomplimentary denomination of "Whig."

## CHAPTER VIII.

*Preparations for the Coronation—Lord Londonderry's Dissatisfaction—Discussions in the House of Lords—Lord Fitzwilliam's Opinion of the Ceremony—Marquess of Salisbury—Lord Londonderry—Lord Brougham—Coronation—Exemplary conduct of the Populace—Marshal Soult's Popularity—City Banquet—Expences of the Coronation—Debate in the House of Commons on the Tithe resolutions—Mr. Ward's attack on Ministers for abandoning the Appropriation Clause—Lord Morpeth—Mr. Hume—Mr. O'Connell—Mr. Harvey—Mr. Shaw's Amendment, that the proposed Deduction shall be 25 per cent. instead of 30 per cent., carried—Lord Howick's anticipations of the results of the Bill—Million Loan—Settlement of the Arrears—Proposals of Sir R. Peel and Lord John Russell on this Subject—Debates on the third Reading—Mr. D. Brown moves that the Bill be read that Day six Months—Lord Ebrington's strong Declaration against the Irish Church Establishment—Sir Robert Peel states his readiness to support Church Reform in Ireland—Mr. O'Connell's Opinion of the Bill—Mr. Grote charges the Ministers with Tergiversation—Lord John Russell—Division—Bill Passes—Lord Melbourne introduces the Bill in the House of Lords—Lord Brougham's Observations on the Abandonment of the Appropriation Principle—Bill passes the Lords—Debate on Grant to Maynooth College—Lord Morpeth's Remarks on "Froude's Remains"—Mr. Gladstone's Vindication of the University of Oxford—Debates on the Irish Poor-law Bill in the House of Lords—Lord Fitzwilliam—Duke of Wellington supports the Bill—Lord Lyndhurst's Speech against it—Lord Radnor—Lord Devon—Lord Brougham—Marquess of Lansdowne—Division on second Reading—Amendments in Committee—Division on Lord Fitzgerald's Amendment—Bill passes the House of Lords—Debate on the Malta Commission—Lord Ripon—Lord Glenelg—Duke of Wellington—Projected Formation of a Colony in New Zealand—Mr. F. Baring brings in a Bill for the Purpose of sanctioning the Scheme—Opposed by Government—Mr. Hawes and Mr. Ward complain of a Breach of Faith on the Part of Ministers—Lord Howick's Vindication of his Conduct—Sir R. Inglis and Mr. W. Gladstone speak against the Bill, which is also opposed by Sir W. James—Mr. Goulburn, Mr. Pease, and Lord Sandon object to its*

*Details—Bill lost—Attempt to persuade the House of Commons to reconsider its Decision with respect to the Site of the New Houses of Parliament—Colonel Davies moves for a Select Committee—Is supported by Mr. Muckinnon and Mr. Hume—Sir Robert Peel defends the present Site—Discussion on the Subject generally—Motion negatived.*

**T**HE young Queen's coronation became, as the season advanced, the predominant topic of conversation, the central point to which the attention of the public was undividedly directed. There were, probably, few of her Majesty's subjects, however stoical on ordinary occasions of the kind, who could bring themselves to regard, with unconcern, this solemnity, which, indeed, inspired a feeling so powerful and so universal, that a radical journal, somewhat splenetically, pronounced the entire people to be "coronation mad." Nor was the sentiment confined to the United Kingdom. Foreigners of various conditions, and from all quarters of Europe, flocked in to behold the inauguration of the maiden monarch of the British empire. In the metropolis, for some weeks anterior to the event, the excitement was extreme. The thousand equipages which thronged the streets, the plumed retainers of the ambassadors, the streams of swarthy strangers, and the incessant din of preparation which resounded by night as well as by day, along the intended line of the procession, constituted, of themselves, a scene of no ordinary animation and interest, and sustained the public mind in an unceasing stretch of expectation.

There was, however, that, in the programme of the approaching ceremony, which awakened dissatisfaction and complaint in cer-

tain quarters, where innovation is never popular. It was for example, no sooner understood that "The Banquet" was not to be celebrated in Westminster Hall, in conformity with the usage of ancient times, than the Marquess of Londonderry, amongst others, zealously exerted himself to avert such an unbecoming concession to the principles of economy, and commenced a course of "agitation" on the subject; the public prints were accordingly enlisted in the cause; the tradesmen of the capital diligently admonished to bestir themselves and public meetings were convened. No very signal success seems to have crowned their operations. However, on the 28th of May, the noble Marquess presented a petition from the merchants, traders, and others of the metropolis, praying, that the coronation might be deferred till August, and then be conducted in a scale of befitting splendour. Earl Fitzwilliam, who would seem to be somewhat of a freethinker on such matters, declared, that he viewed the ceremony of a coronation as little better than an idle and ridiculous pageant. Would the loyalty of noble Lords, he asked, be augmented by the childish ceremony of putting coronets upon their heads, and compelling them to walk in an absurd procession? He avowed his opinion, that coronations were only suitable to some barbarous ages, and hinted, that he was by no means certain that the

exhibition of a youthful Princess to a staring populace, was consistent with feminine delicacy.

These philosophical remarks called up the Marquess of Salisbury, who said, that he was less affected by the idle taunts of Lord Fitzwilliam, than by the public acknowledgment, made to all the world, that this great country could not afford to give a dinner to its Sovereign. "I thank God, however," exclaimed the noble Marquess, with great emphasis, "that her Majesty's ministers have not relinquished the sacred part of the ceremony; I thank God, too, that my Sovereign will do her duty."

The Marquess of Londonderry, apparently unable to credit the evidence of his hearing, asked, whether he was to understand that Lord Fitzwilliam was of opinion, that there ought to be no coronation at all?

To which question, the Earl, nothing abashed, stoutly answered in the affirmative. "Then," rejoined the Marquess, "I suppose that the noble Earl is prepared to follow up that proposition by another—that there ought to be no longer an Earl Fitzwilliam."

A few weeks subsequent to this conversation, the Marquess of Londonderry returned to the subject, by inquiring if it were true that the foreign ambassadors had consented to take that part in the proposed procession which was assigned to them in the *programme*. Upon being informed by Lord Melbourne, that such undoubtedly was the fact, the marquess condemned the arrangement, as in the highest degree unbecoming and ridiculous.

Lord Brougham remarked, that the arrangement in question might

be unprecedented, without, therefore, being improper; and added, that he considered it to be an unusual testimony of the amity of foreign powers, that not only ambassadors, but even personages of royal blood, had arrived in England, for the purpose of being present at the ceremony.\*

The coronation took place on the 28th of June; for the details of that ceremony together with its attendant circumstances, the reader is referred to the second part of our annals. The only novel feature of importance, we believe, which was exhibited on this occasion, consisted in the before-mentioned substitution of a procession through the streets, for the banquet in Westminster Hall. And the result certainly justified this deviation from the ancient usage; for it seemed as if the entire people—no longer an abstraction or a phrase—but the *nation*,—all ages, sexes, conditions, trades, arts, and professions—embodied visibly into one harmonious and exalted whole, had come abroad to greet the youthful sovereign. "The earth" says an animated writer of the day, "was alive with men, the habitations, in the line of march, cast forth their occupants to the balconies or the house-tops. The windows were lifted out of their frames, and the asylum of private life, that sanctuary which our countrymen guard with such traditional jealousy, was, on this occasion, made accessible to the gaze of the entire world." The beha-

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\* Amongst the various promotions which, according to custom, were occasioned by the coronation, we may notice that the Earl of Mulgrave was created Marquess of Normanby, and Mr. E. Lytton Bulwer, elevated to the rank of baronet.

viour of the enormous multitude which lined the streets, and afterwards spread itself over the metropolis, was beyond all praise. Courtesy, reciprocal forbearance, and self-restraint, were every where conspicuous. Of the accidents, which may be looked for when such vast assemblages are brought together, none whatever occurred, and even fewer offences than ordinary, came within the cognizance of the police, upon this most auspicious day.

Not the least remarkable incident of this season was the cordial reception which the populace invariably bestowed on Marshal Soult, Duke of Dalmatia, who appeared at our court as ambassador extraordinary from the French king. The example of the lower orders was followed by the upper, and of all the distinguished foreigners who were collected together in the metropolis, none were so much courted, in all circles, as the gallant marshal. The reason of all this was obvious enough, and it might have been supposed that, even our French neighbours, little as they understand our manners, would have perceived that nothing further was intended by the acclamations which saluted the marshal, wherever he appeared abroad, than a chivalrous demonstration of respect and welcome to an ancient enemy, with whom we had fought many well-contested battles, and whom, by the fortune of war, we had, over and over again, defeated. Not so, however, the French, who ascribed the honours received by the old soldier to political considerations—to a sympathy, on the part of our mob, with the minister of the “left centre.” Nothing of course could be more absurd. The greater number of those who cheered Marshal Soult,

knew no more about him, than that he was a French general, whom the Duke of Wellington had defeated in Spain, and their only feeling was, that, as he had come among them, they were bound to receive him with the respect due to one who had been a gallant and a formidable enemy; yet it would appear to be a fact, that the marshal's political consequence in France was considerably augmented by these “*John Bullish*” proceedings on this part of the English populace.

The coronation was succeeded by a series of fêtes and banquets, and it was many weeks before the metropolis was divested of its *gala* appearance. It should be mentioned, that the corporation of London, never backward in hospitality, invited the foreign ambassadors to a splendid entertainment, where were collected to meet them, without distinction of party, the most illustrious personages of our own country. On this occasion, likewise, Marshal Soult was received with the same enthusiasm which had every where greeted his appearance.

The coronation of George the Fourth, it is stated, cost 243,000*l.*; the expenses incurred for that of his successor did not exceed 50,000*l.* The charges on the present occasion amounted to about 70,000*l.* The Chancellor of the Exchequer, in explaining the causes of this slight excess, said, that it was in no respect occasioned by any portion of the ceremonial peculiarly connected with the sovereign, but had been incurred with a view of enabling the great mass of the people to participate in this national festivity.

The right hon. gentleman proceeded to remark, that he spoke on



good authority, when he said, that the public had voluntarily paid for seats commanding a view of the procession, no less a sum than 200,000*l.* And that 400,000 individuals had been added to the ordinary metropolitan population, of a million and a half. And never, said the right hon. gentleman, was there given to a sovereign, or to a country, a more exalted proof of good conduct and discretion, than was afforded by the assembled multitude on this occasion.

The House of Commons having disposed of the Irish Municipal Bill, proceeded, on the 2d of July, to take into consideration Lord John Russell's Tithe resolutions. On the motion for going into committee, Mr. Ward opened an attack upon ministers, for abandoning the appropriation principle. He said, that, as to sinecures and abuses in the Irish Church, Sir R. Peel had declared himself to be a reformer. What, then, was the difference which led to the overthrow of his government? Was it not his opposition to the principle of appropriation? He had adhered to his opinion upon that particular point, and had thereby sacrificed place and power. Mr. Ward then expressed himself rather strongly with respect to the conduct of ministers on this question. The speech made by Lord John Russell on Sir T. Acland's motion, was, he thought, "inconsistent with his honour." It was a further inconsistency, that the resolution in favour of appropriation should stand on the journals of the House, if it were not to be carried into effect. There were two courses open to the House. One was, that they should abide by the principle which on five different occasions they had af-

firmed; that they should not try to give this principle any practical effect, but wait till time and public opinion enabled them to do so. This course would be consistent, and [ought, in his opinion, to be followed. The other course was at once to admit that they had been in error—that the gentlemen opposite were right and they were wrong; and that, having broken up two governments on this principle, they were now ready to abandon it, and to admit that it was erroneous. The hon. member concluded, by moving a series of resolutions for the appropriation of the surplus revenues of the Irish Church to the moral and religious education of all classes.

Mr. Hawes having seconded the motion,

Lord Morpeth said, that, in his opinion, the substantial justice of the question remained where it was when they adopted the resolutions of 1835, and when, recently, they refused to rescind them. But, it was further his opinion, that a period had arrived in 1838, after the experience of three successive years, when it became a matter of paramount duty to terminate the differences arising out of the state of the tithe question.

Mr. Hume said, that the situation in which he and others were placed was extremely unpleasant. [*Loud laughter.*]

It appeared that it was the object of the government to remedy the abuses in the present system of the Irish Church, as far as it was possible with the concurrence of the other side of the House; for the whole question appeared to rest with them. Now, his own opinion was, that it was vain and useless to attempt to gain anything by means of conciliation. If he thought

that there was the slightest chance of restoring peace to Ireland by the proposition of the noble Lord, he would readily support it. But, it appeared to him, that they had delayed this act of conciliation too long, and, in the present state of Ireland, she would not be satisfied with so paltry a concession as that proposed. With these opinions he should support Mr. Ward.

Mr. O'Connell opposed Mr. Ward's motion, because, he said, it led to a deception and delusion—because it offered to the Irish people something as the purchase-money of a tithe bill, which bill they had refused unanimously to take. They sought no appropriation of a paltry imaginary surplus; but they called for an entire abolition of the tithe system. Their determination was not to pay tithe. Three years ago such a bill as this might have conciliated Ireland; at present it was too late. What he now required was, that provision should be made for the Established Church of Ireland out of the consolidated fund, and that the tithe fund should be applied to the maintenance of peace in the country. By converting tithes into a rent-charge, they would only be turning the landlords into tithe proprietors: "and, more than that, they would throw many landlords into the ranks of Whiteboys."

Mr. Harvey treated the question in his usual tone of sarcasm. "It was gratifying," he said, "to know that the soundness of opinions was tested by time."

He recollected three years ago, when he was denounced by Mr. O'Connell for not supporting the very motion which his learned friend was now opposing. He was told, and warned, that his conduct would forfeit to him the confidence

of his constituents. It was some satisfaction to him now to find that the position he then took up was concurred in by the very parties who formerly denounced him for it.

The conservatives, too, he observed, had become converts to the sacrilegious doctrine of appropriation; in this bill, hon. gentlemen opposite, the champions of the church, were about to sanction the principle of taking thirty or twenty-five per cent. away from her already inadequate funds. As a Protestant, he felt called upon to express his astonishment that those who were most prominent in their remarks on the necessity for pacifying Ireland, should, with reference to the present unhallowed project, preserve such unbroken silence. But his astonishment was converted into indignation, when he considered the motive which prompted this conduct. It was grounded on that deep selfishness which led men to look to their own interest, whilst they professed an anxiety for religion, and which showed them to be prepared to sacrifice the cause of that religion when it served their earthly purposes so to do. Let them come to the question at once: had the Church of Ireland too large a revenue or not? If it had, who was entitled to the surplus? On what ground were the landlords of Ireland entitled to it, on what ground were they to be placed in a better position than the landlords of England? Far better would it be to allow tithes in Ireland to remain as they were. He recollected the shout of derision with which he was received when he asked, was not the law sufficiently strong to maintain and enforce the right of the tithe-owner? He was told it was impossible; that the living might be

driven, and the dead matter brought to market, but that no buyers could be found. This, at the time, he considered a blind and fanciful prediction. He believed it now to be all a fraud. The fact turned out to be quite otherwise. The law had vindicated itself, and it was found to be as competent to enforce the claims of the clergy and impropiators of tithe in Ireland as in this country. Then why not stand by the law? Were they prepared to rob their own clergy of thirty per cent.?

Mr. Harvey went on in a tone of somewhat equivocal sympathy, to plead the cause of the poorer class of the clergy, and called upon the House to interpose in their behalf, against what he affected to stigmatize as a deliberate act of parliamentary plunder.

With the exception of Lord Morpeth, no member connected with the administration thought proper to speak in opposition to Mr. Ward's motion, which was rejected by 270 to 46. Majority 224.

The House then went into committee.

To clause 3, which made a deduction of 30 per cent., Mr. Shaw moved, as an amendment, that 25 per cent. be substituted. The House divided upon this proposition, and the amendment was carried by a majority of 21. Ayes 188; Noes 167.

It will be recollected, that a few years back, a million sterling was voted by Parliament for the relief of the tithe-owners, who had been unable to obtain their dues. Of this sum 640,000*l.* had been actually advanced, leaving about 360,000*l.* still applicable to the purpose. At the time of the grant, it was intended that the advances made by government should be re-

paid, as soon as the occupying tenants could be induced to pay up their arrears. That event, however, seemed unlikely to happen. Meanwhile, a new arrear of tithes had accrued since the date of those advances. It was agreed, on all hands, that repayment of the 640,000*l.* should not be required. But it became an additional question how the fresh arrears were to be settled. Sir Robert Peel proposed to deal with the subject in the following manner. He suggested a commission to ascertain the entire amount of the outstanding tithe, and the nature of each particular case. In proportion to that amount, and with due regard to individual circumstances, he would distribute 307,000*l.*\* (being what really remained of the million after law and other expenses were deducted) among the respective tithe-owners in purchase of their interests. Wherever the party owing tithe was a landlord, he was not to be included in the proposition. But, where the debtors were occupying tenants, there, save in special cases of exception, he would give the tithe-owners the option of enforcing their claims, or of accepting their proportion of the fund, and exonerating their debtors. And he reserved to the government the right of proceeding against the tenant at their option.

This proposition was favourably received; and subsequently (July 16th) when the House was on the point of going into Committee upon the tithe bill, Lord John Russell, though not without reluctance, adopted it, under some modifications. After stating, that the surplus of the million, was only

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\* Sir Robert Peel proposed to make up the sum to 500,000*l.*

260,000*l.*, (an additional 100,000*l.* having been lent to the ecclesiastical commissioners), he communicated the following plan to the House. In the first place, it seems that he did not intend to remit such part of the 640,000*l.* as represented tithe due from the *landlords* before the advance of that loan. These were to be required to pay what they owed, by instalments; and the treasury, having purchased the interest of the church, was empowered to collect the debt. He then proposed to unite whatever might thus be recovered from the landlords, with the 260,000*l.* surplus, before mentioned, and to apply the joint fund, estimated at about 300,000*l.*, towards liquidation of the *new* arrears due from occupying tenants. No remission being extended to the landlords. Into this fund, he also meant to throw whatever of the loan might be recovered from lay impropiators, holding property in their own hands. And he deviated so far from Sir R. Peel's plan as to make it compulsory upon the tithe-owner to receive the payment proffered by the state in lieu of the arrears, the whole of which *old* as well as new would be extinguished by act of Parliament, *though no compensation was tendered for the former class*. The noble Lord's plan was adopted by the House on the 19th of July. An amendment, in opposition, which was moved by Mr. Hume was rejected on a division by 170 to 61: Majority 109. It should be mentioned, that Lord Howick, in the course of this debate, threw out a declaration of his opinion, that the present tithe bill would not settle, but only adjourn, the great question of tithes, in Ireland.

He foresaw, that a far more difficult, a far larger question, with respect to the Irish church establishment, was at hand. A prediction, which, coming from a Minister of the Crown, was very likely to assist in its own fulfilment. Sir Robert Peel, on a subsequent day, (July the 23rd) moved an amendment, which reserved the rights "of all parties to recover arrears of tithes," giving compensation to such as were willing to accept the terms, and differing in no other material respect from Lord John Russell's plan. This amendment was lost by a majority of 21; there being for the original clause 122; for the amendment 101.\*

On the 26th of July, the bill came on for the third reading.

Mr. D. Browne moved, that it be read that day six months. He contended for a total abolition of tithes. "The principle of abolition," said the hon. gentleman, "wears upon it the strength of a century. It has been cemented by oppression: it has received, since 1829, an irresistible vitality from religious tolerance." After some comments upon the inconsistency of Ministers, the hon. Gentleman stated how he wished to deal with tithes. They should be revalued, and disposed of to the first estate of inheritance; out of the fund thus created, existing interests were to be maintained; and in future, the voluntary system might be introduced.

Lord Ebrington said, that he had ever considered, that the ex-

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\* It seems to have been subsequently agreed to extend this provision to the arrears generally of the preceding four years. See section 34 of the act 1 and 2 Victoria c. 109.

istence of a church establishment in Ireland, so disproportionate to the wants of the community, was a stain on the institutions of the country ; and he should have great difficulty in bringing himself to support the measure, if he thought it would tend to prevent that reduction of the establishment, which, at no very distant period, he hoped to see accomplished.

He should support this measure, not as the best which he could wish to have seen, but as the best which the present state of parties, held out a hope of obtaining. If the struggle against tithes were still to go on, notwithstanding this bill, the burden would be on the shoulders of those, who were best able to bear it, and who, he hoped, would carry on the war with greater effect.

Sir Robert Peel spoke at considerable length. With respect to the remission of "the million loan," before mentioned, he said, "Another modification has been introduced into the enactment which relates to the existing arrears. At first, the compensation granted was only intended to be in lieu of the arrears which had been incurred within the last two years, I decidedly objected to that, as I thought it most unjust, that Parliament should interfere to prevent those, to whom arrears were due, for the first four years, from receiving compensation. I do not say, that they are to receive an equal compensation, with those whose arrears are due for the last two years, but a proportionate one, for what they are called upon to abandon. The state of the law will then be this—that all those who have commenced suits, for the recovery of tithes, before the 16th of July last, will have the option

of continuing their proceedings. With them, there shall be no interference ; but if they think fit to abandon those proceedings, without payment of costs, they shall be entitled to their share of compensation. The violence still done by the bill, is in that class of arrear, not covered by previous advances, out of the million, and, in which, the parties had not instituted suits."

With respect to the general question, Sir Robert said, "I will not consent to the alienation of church property, I will not consent to any violation of the principle of an establishment — but this I will do — if you prove to me, that in Ireland, there are districts, where the working minister is badly paid, and other districts, in which he has too much, I will consent to equalization. I will consent to what I call true reform, that is, such appropriation of the church's revenues, as will make sure, that in every district, the wants of the Protestant population, shall be adequately provided for."

After Lord Stanley, and Mr. Harvey, had delivered their sentiments, Mr. O'Connell addressed the House. In the course of his speech, he remarked, that there were two sorts of appropriation ; an useful one, when it was proposed to apply the surplus to good purposes, such as education, and the like ; and a bad one, when it was given to the landlords. The present bill involved the latter species of appropriation ; it was a clear sacrifice of legal property. The supporters of the church of England had never aimed so destructive a blow at the temporalities of that church, as by assenting to this bill. He did not think, that they were exhibiting any

wisdom, if they thought, that the shifting of the burden of tithes from one side to the other, would render it more easy. They were resigning their right to proceed against the poor for tithes, and he could assure them, that the richer party would defeat them.

Mr. Grote, in the course of the debate, after prophesying the failure of the measure, said, that the conduct of the Ministers with regard to the principle of appropriation afforded a melancholy proof of the way in which great principles were made subservient to party purposes, and he considered, that history would record the present as one of the most discreditable instances of tergiversation ever witnessed.

Lord John Russell closed the discussion. He pointed out the impossibility of carrying the appropriation clause, in the present state of parties, and contended, that the wiser policy, therefore, was to abstain from mooted the subject. The noble Lord then addressed himself to the task of explaining away, in some degree, the strong expressions just made use of by Lord Ebrington, (who, the following year, became Lord-lieutenant of Ireland), with respect to the church establishment. Sir Robert Peel adverted to that remarkable declaration, had said "I cannot understand public men who say, that they will support this bill, because they hope it will increase the evils of the church." Lord John contended, that Lord Ebrington had been misunderstood by Sir Robert. His noble Friend had said, that there would still be a contest for some alteration in the church; but that contest would be of a very different nature; because instead of being supported

by physical resistance, on the part of the poor, it would be the constitutional and moral resistance of the landowners, representing through Parliament their opinions, and having a natural influence on its deliberations.

For his own part, Lord John Russell said, he thought that this bill would be a considerable mitigation of existing evils. He could not expect that the great body of the people would be satisfied with the state of the Protestant church; but as far as that church was concerned, he thought that this bill would render it more secure.

The bill was then read a third time, and passed. The numbers being, on the division:—ayes 148; noes 30: majority 118.

Thus terminated the memorable history of "the appropriation clause." The adoption of which had enabled the Whigs to recover, as its sacrifice assisted them to maintain, their official situation. The former act involved a violation of common sense—how far the latter was calculated to raise their character for political consistency and singleness of purpose, it is needless here to consider.

On the 3rd of August, Lord Melbourne brought the Irish tithe bill before the House of Lords. The noble Lord had the discretion to refrain from adverted to the painful topic of the clause just alluded to; he contented himself with giving a dry outline of the measure, which he designated as the best and most prudent that could be devised under present circumstances.

After giving a statement of the somewhat intricate provisions of the bill so far as regarded the million loan, and the arrears, he remarked that it was perfectly obvi-



ous, that unless they closed up all questions with regard to the arrears, they would not be giving the measure fair play. This bill, therefore, directed the Lord-lieutenant to remit to the Clergy the instalments due from them, in respect of the loan; and the residue of the million was to be applied in satisfaction of the arrears, according to the claims of the spiritual tithe owners, which had been accruing during the last four years.

It was not to be supposed that Lord Brougham would allow the appropriation clause to be thus disposed of in silence. He had not looked, he protested, to see the day," when appropriation should be given to the winds, as if the thing had never been talked of; as if it had never been the means of seating one ministry, and unseating another. So much for appropriation! The chapter of appropriation, its origin, history, flourishing, decline, and fall—how in the fullness of time, and having answered every good purpose, has it been gently laid aside, and put to rest without a single requiem sung over its grave!"

The bill was soon disposed of in the House of Lords, and was read a third time on the 9th of August, Lord Clancarty alone, on that occasion, raising a dissentient voice.

In connexion with Irish affairs we may here notice a discussion which took place in the House of Commons on the customary grant of 8,928*l.* to Maynooth college on account of one or two incidents that it occasioned. The grant was opposed by Colonels Sibthorpe, Perceval, and Verner.

Mr. O'Connell remarked that he was sorry that the three gallant colonels opposite, the Church

militant, he supposed, of the House, had not courage to divide against the grant; for he (Mr. O'Connell) should certainly have divided with them; since this grant was decidedly a violation of the voluntary principle, which in matters of religion he should always advocate.

Lord Morpeth upon this occasion adverted to certain doctrines, which had lately become fashionable at Oxford, as having themselves a strong savour of Romanism. To this effect he read some extracts from a book which he said, he was given to understand proceeded from that University; entitled "The Remains of the Rev. R. H. Fronde."

Some of the passages quoted by the noble Lord are undoubtedly singular, as proceeding from a clergyman of the Established Church. We subjoin them in a note,\* only observing that the work in question is understood to have made its appearance under the editorial sanction of one of the

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\* "You will be shocked at my avowal, that I am, every day, becoming a less and less loyal son of the Reformation. It appears to be plain, that in all matters, which seem to be indifferent, or even doubtful, we should conform our practices to those of the Church, which has preserved its traditionary practices unchanged." "I think people are injudicious, who talk against the Roman Catholics, for worshipping Saints, and honouring the Virgin and images, &c.; These things may perhaps be idolatrous I cannot make up my mind about it." "Your trumpery principle, about the scripture being the sole rule of faith in fundamentals, (I nauseate the word) is but a mutilated edition, without the breadth, and axiomatic character of the original." "Really I hate the Reformation, and the reformers more and more, and have almost made up my mind, that the rationalist spirit they set afloat is the *ψευδοπρόφητης*, of the Revelations.

principal theologians of the University of Oxford—himself the leader, and almost the founder of a great and increasing party in the church.

Mr. W. Gladstone rose to vindicate the University of Oxford, from the insinuations of Lord Morpeth. He had, he said, “never heard a speech more cruelly unjust than that made by the noble Lord.” If the noble Lord would read the preface of the book he had quoted, he would find, that the editor expressly guarded himself against being supposed to entertain the opinions of the author, stating, that he gave it to the world as the singular production of a remarkable mind.

We may now revert to the passage of the Irish Poor-law Bill through the House of Lords—the last of those three great measures which occupied so much of the attention of Parliament.

Lord Melbourne moved its second reading on the 21st of May.

Earl Fitzwilliam announced his intention to vote against it. He stated himself to be opposed to the whole principle of Poor-laws. But this bill could never be carried into effect. Moreover, it was not an Irish bill; it was not a bill desired either by the landed interests, the middling gentry, or the poorest classes of Ireland. He did not believe if any gentleman searched the files of all the provincial newspapers in Ireland—if he consulted the accounts of all county meetings—if he consulted all the appeals made to the constituency at the last general election, or upon any other occasion—he did not believe, that there would be found any occasion upon which any person, desirous of conciliating the good will of his audience, addressed them as a supporter of

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the introduction of a poor-law into Ireland.

The Duke of Wellington recommended their Lordships to give the bill a second reading. He agreed with Lord Melbourne in thinking that there never was a country in which poverty existed as it exists in Ireland. He held a high situation in Ireland thirty years ago—and from that time to this, there had scarcely elapsed a single year, in which the Government had not entertained most serious apprehensions of actual famine. He did not expect to cure the poverty of Ireland by this bill; “no, my Lords,” continued his Grace, “that which I expect from this measure, which I trust your Lordships will so amend as to be able to pass it, is, that it will improve the social relations of Ireland. It will, I trust, induce the great landed proprietors in Ireland, whether resident there or not, to look after their properties, and to afford encouragement and protection to those residing upon their estates. I do not expect the prevalence of a better state of things in Ireland in consequence of this measure permitting confinement in the workhouse; nor from its doling out relief to vagrants and mendicants; but from its improving the social relation between landlord and tenant.” The noble Duke added, that he was strongly opposed to the establishment of a law of settlement. But he trusted that, in this measure, care would be taken that the parishes from which persons were sent to the workhouses should pay their expenses.

After a speech from the Marquess of Londonderry, in opposition to the bill, Lord Lyndhurst proceeded to address the House.

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Having adverted to the almost universal unpopularity of the bill in Ireland, he cautioned their Lordships against setting themselves up as better judges than the Irish people themselves of what was best calculated to promote the interests of that nation. He had heard it said, "Ireland must have a poor-law; let her have the benefit of an experiment." He should not be unwilling to try it, provided he thought that they could, in the event of failure, return to their original situation. He then proceeded to examine the proposed plan. Nothing could be more objectionable than the extraordinary, the unprecedented powers and the enormous patronage vested in the three commissioners sitting at Somerset House. What could be more absurd, he asked, than to make the partial success of the English experiment the model of an Irish law? The conditions of the two countries were most dissimilar.

The principle of the English act was a most simple one—it was this, that no man should perish for want, and that there should be a workhouse to receive him; but at the same time it was provided that the moral discipline should be such that an able-bodied labourer would prefer going out to earn a subsistence by the sweat of his brow, to remaining in the workhouse. That system had worked well; and so far the test was a good one. But what an assumption was there here! It was proposed to apply the principle of the English Act to Ireland, on the assumption that a man, who was willing to labour, could obtain labour, otherwise it was no test whatever. Was the destitution of the people of Ireland attributable to an unwillingness to work?

Could they say it was, when they found a man travelling from the West a distance of six hundred miles on foot, and in due season retiring to his home, his journey having been made for the purpose of earning a few pounds; and when during his absence he had most parsimoniously submitted to the greatest privations, in order that he might be able to save a small sum? What was the cause of the destitution of Ireland? It was not that the people were unwilling to work—it was not that they were basely inclined—but there was no labour for them. What, then, became of the test? Was it not obvious that to make a provision for the destitute poor they would require a measure of impracticable extent?

The demands upon the landlords, in consequence of this bill, would swallow up their entire rentals, in many instances. As to the workhouses, they would be looked upon as prisons. If, as was likely to be the case, the public mind in Ireland were to be agitated against the Bill, the whole machinery of the measure would be blown away. In conclusion, however, Lord Lyndhurst intimated his intention of voting for the second reading, in the hope that it might be brought into a better state in Committee.

Lord Radnor spoke briefly in support of the Bill, and Marquess Clanricarde very strongly against it.

The Earl of Devon, after mentioning the immense number of persons unable to obtain a livelihood in Ireland, took a very sanguine view of the probable operation of the Bill in removing this evil. The first thing they had to do, he said, in this state of the matter, was to endeavour as far as

they could, to ascertain with precision, who were the persons really deserving of support. He, for one, was satisfied that with this view, no other test could be supplied which would work with equal accuracy and efficiency as that of the workhouse. Having then discovered who were fitting objects for relief under the Bill, and having provided for the extension of that relief in the best manner they could, it would next become their duty to turn their attention towards the means of securing employment for the able-bodied labourers who were destitute solely from their inability to obtain employment. It was his firm belief, that the Bill in itself would give to all classes in Ireland a great stimulus, and that employment would be generated by its mere enactment; but he also fully expected that the present was not to be the only measure introduced with the view of meeting the existing destitution of the Irish poor, but that it would be speedily followed up by others to encourage and give facilities to the undertaking of and carrying on great public works in that country. A great deal had been said about the pressure of taxation which would be occasioned by the measure; but if he were only to look at the question in a pounds shillings and pence point of view, he should strongly support it; for he was convinced that every pound he should have to pay under it would be eventually repaid by the great improvement in the land, which must result from the enactment of the Bill.

Lord Brougham predicted the entire failure of the plan. The Government being called upon for a poor-law, had looked out for the

very worst, and most indefensible features of the old English system.

The Marquess of Lansdowne remarked, that it was impossible to apply capital profitably in a country where a small part of the people could deprive large numbers of the property in their own labour, which every man has a right to enjoy. He knew that the bill could not effect a cure for this evil, but he thought, that if even a small portion of the people were taken out of the market, and removed from that competition, which existed with regard to land, much good would be thereby effected. The bill was necessary on account of the clearing of estates, which was going on in some cases too rapidly, but in others with due caution. Such a measure as this would deter the people from bidding as they now did for land, and from feeling so much discontent when ejected by their landlord.

The Marquess of Westmeath opposed the bill.

The House divided on the second reading. Contents 149; not-contents 20: majority 129.

On the 28th of May, Lord Roden, on the motion for going into committee, moved that the bill be committed that day six months, but afterwards withdrew his amendment.

Earl Fitzwilliam then moved an amendment to the 41st clause, by which he limited the relief under the bill to bodily infirmity, age, &c. He was supported by Lord Fitzgerald and Vesci. It was the opinion of the latter nobleman, that the bill would be eminently mischievous. It would endanger in a ten-fold degree the peace of the country, would be fatal to the happiness of the lower classes, and alienate the affections

of those whom it was its avowed object to conciliate.

On the 31st Lord Fitzgerald and Vesce came down with an amendment of his own, empowering the guardians to relieve in poor-houses "all destitute persons who are either incurably lame or blind, or sick, or labouring under permanent bodily infirmity;" also all orphan children, being destitute or deserted.

The Duke of Wellington opposed this amendment, together with the Lord Chancellor, Lords Aberdeen, Cloncurry, Radnor, Lansdowne, Mulgrave and Melbourne: while the Earl of Chichester, Lord Carbery, Earls Fitzwilliam and Glengall, and Lord Brougham supported it. The ministers carried the original clause by a majority of 107 to 41.

This clause embodied the main principle of the bill, which having received some amendments in detail at the hands of their Lordships passed that House on the 9th of July. The numbers being on the division, content 93; not-content 31; majority 62. The enactment of this measure was by far the most important of the session; indeed a more arduous and momentous experiment than that which it involved, is perhaps unknown in the annals of our legislation.

It may be recollected that within the last few years, two commissioners, Mr. Austen, and Mr. George Lewis, were despatched to Malta, for the purpose of investigating the grievances complained of by the natives of that island. In 1835, a petition was presented to the House of Commons, and representations were made to the Colonial department, enumerating various articles of complaint on the

part of the Maltese subjects of the Crown. It was contended, among other points, that the English Government was not sufficiently careful of the interests of Malta, and had imposed upon the people institutions, for which they were ill-adapted. These complaints were referred by the Colonial-office to the local government, who did not report upon the subject to Lord Glenelg's satisfaction, or in a manner calculated, in his opinion, to satisfy the wishes of the Maltese people. It seems to have been first proposed to refer the subject to a Committee of the House of Commons, but, in the end, a local commission was deemed preferable, and Messrs. Austin and Lewis, were appointed accordingly.

One preliminary question, which these commissioners were required to investigate, concerned the extent to which more liberal institutions might be conceded to Malta, having regard to its importance, as a naval and military station.

The commissioners having returned to England, and made their report, the Earl of Ripon, on the 3rd of May, called the attention of the House of Lords to the subject. He contended that the commission was originally needless, and that no useful result had proceeded from its labours. The commissioners had presented the country with a report of fifteen pages on the liberty of the press in Malta, which as Lord Ripon maintained, could have been as well drawn up by them at home.

After ridiculing somewhat unsparingly the earlier part of this document, Lord Ripon proceeded to say, that the commissioners had come to the conclusion, that the existing censorship on the press ought to be removed. At the same

time (an ingenious way of protracting their composition) they put forward a series of objections to the very removal just recommended by themselves, and then meeting these objections very successfully, got back to their former conclusion.

Their next step, continued the noble Earl, after assuming that the monopoly of printing, and the censorship would be removed, was to submit to the Government a mode of introducing the liberty of the press. This was conveyed in the form of six specific recommendations. He would be content to mention the third of these. They had discovered that there was so little disposition to read in Malta, that unless it was helped by Government, "an independent newspaper conducted with skill and integrity," could not find support. It being desirable to establish such a print, they entered into a calculation of the chances of maintaining it, and having recommended the interposition of Government aid, for this purpose, they concluded by suggesting that, to obviate any impression of undue influence on the part of the authorities, the reasons of Government for supporting the journal should be stated to the public.

The noble Lord then proceeded to comment upon other parts of the reports in a similar vein, and complained that all the information contained in them, and which might have been had by writing for it to Malta, had cost the country 5,000*l*.

Lord Glenelg stated, with a view to show the utility of local commissioners, that the Duke of Wellington had, in 1830, appointed a commission to sit in this country, for the purpose of enquiring into

the financial arrangements of the colonies, and the efficiency of the public service there. If that commission, as would not be denied, had failed to make a satisfactory report, it was wholly owing, as he thought, to their inability to obtain at home the necessary information.

The noble Lord then proceeded to say, that the Malta commissioners had discovered the existence of important abuses, and had reported, that the complaints of the natives were well founded. They had ascertained, that the territory, small as it was, was overloaded with extensive establishments, and that the courts of judicature, in particular, though maintained at an enormous cost, had failed, nevertheless, to command the respect of the people.

Great abuses, also, were detected in the management of charitable funds; and the legislative system was represented to be not such as could obtain the public confidence. Large sinecures were in existence, which invariably fell to the share of Englishmen. The Maltese themselves, were not only excluded from the higher offices of the Government, but were treated as an inferior, and almost degraded *caste*. If the result of this commission did not extend beyond the abolition of this unjust and unnatural distinction between the two races, great good would have been accomplished, and the country compensated for the expences of the enquiry. It was very desirable, in the opinion of the Government, that places of dignity and emolument, in their country, should be thrown open to the Maltese. And it had been resolved to admit them, in future, to such offices as they might be qualified to fill, with salaries equal to about



half the amount of the sums that had been lavished on the English.

The Duke of Wellington defended the commission of 1830 with unusual animation, and then proceeded to animadvert to the Maltese commissioners. They were, said his Grace, appointed in September, for the ostensible object of making various enquiries into subjects connected with Malta; but for nearly the first twelve months they did nothing but propose the establishment of a free press in the island. The attention of this commission had been, in the royal order appointing it, called to a variety of subjects connected with the civil government of Malta; but not a single word concerning a free press had been mentioned in their instructions, yet the first thing they did, on landing, was to commence an enquiry into the state of the press. "Now," continued the Duke, "in regard to this matter of a free press in Malta, I crave your Lordships' attention to the facts of the case for a moment. What is Malta? It is a fortress and a seaport—it is a great naval and military arsenal for our shipping and forces in the Mediterranean. We hold it by conquest, and by treaty after conquest. We hold it as an important port and nothing more. My Lords, if these are the facts, we might as well think of planting a free press on the fore deck of the admiral's flag-ship in the Mediterranean, or in the casernes of the batteries of Gibraltar, or in the camp of Sir John Colborne, in Canada, as of establishing it in Malta. A free press in Malta, in the Italian language, is an absurdity. Of the 100,000 individuals, who compose the population, three fourths at least, speak nothing but the Mal-

tese dialect, and do not understand the Italian language. Of the 100,000 inhabitants three-fourths can neither read nor write. For whom, then, is it? These gentlemen say, that unless the Government support it, a free press cannot exist of itself, and they suggest an expense of 800*l.* a year in its favour."

The Duke then proceeded to contend, that the only effect of establishing liberty of the press at Malta, would be to furnish Italian malcontents with the means of promulgating their insurrectionary doctrines with impunity. "I did hope," said his grace, "that we should have been cured by this time of our propensity to excite insurrection in the other countries of Europe. I did think that we had received a sufficient lesson in these matters to last us for a long time, even for ever, in the results which have taken place through our interference in Portugal, Spain, Italy, aye, and in Canada too." In conclusion, the Duke stated, that he could come to but one opinion on the subject, namely, that the commission was framed for purposes of patronage, and nothing else, and that it was likely to lead to very mischievous consequences.

An association having been formed for the purpose of colonizing New Zealand, under certain grants of territory which had been obtained from the native authorities, an application for a parliamentary sanction to the undertaking was made in the course of the session. The project, however, for some reason or other, excited a violent clamour in certain quarters, and was denounced by a powerful portion of the press in no measured terms. On the 20th of June,

Mr. F. Baring moved the second reading of a bill to establish a British colony in this part of the world.

Sir George Grey opposed the bill, and was followed by Sir R. Inglis, who contended, that we had no better right to colonize New Zealand, by an Act of Parliament, than to colonize France. The real point at issue, said the hon. Baronet, was, whether by a bill not brought in by government, any body of private gentlemen were to be at liberty, first, to purchase and exercise the rights of sovereignty in a foreign country, and then to frame laws, at their pleasure, for the country so acquired. New Zealand was an independent state, with which we had diplomatic relations, and whose flag we acknowledged.

Mr. Hawes complained of the conduct of government in opposing the measure which had been, at least at one time, countenanced by the Secretary at War, (Lord Howick). It had been said, that New Zealand being an independent state, we had no right to purchase the sovereignty of any part of it by treaty. Now, he saw nothing in that argument. And it seemed to him, that there could be no harm in passing a bill enabling a society to hold lands in France, or anywhere else, provided those lands were honestly obtained.

Mr. W. Gladstone remarked, that there was no evidence to shew that the chiefs of New Zealand had parted with any of their rights of sovereignty. No subject demanded more circumspection, on the part of the legislature, than this. There was no exception to the unvarying and melancholy story of colonization; whenever settlers

from a civilized nation came into contact with the aborigines of a barbarous country, the result was prejudicial to both parties.

On the other hand, Mr. Ward contended that, as Christian legislators, they ought not to delay interference for an instant in the transactions now taking place in the part of the world in question. The Europeans in New Zealand, a lawless and licentious horde, had entailed on that country all the evils of civilization, unattended by any of its benefits. Two thousand such persons, unrestrained by any control, were established there, and committed, with impunity, every kind of outrage. The object of the present bill was, to extend protection to all who should live within the range of its provisions.

The hon. gentleman then proceeded to say, that Lord Howick had given decided encouragement to the promoters of the scheme, and that the last persons who ought to oppose it, were the ministers. During the whole course of his public life, he had never seen so much vacillation and uncertainty of purpose, as had been displayed by Government towards the persons connected with this undertaking, whom he (Mr. Ward) himself, relying on the faith of government, had been a party in deluding.

Lord Howick expressed himself to be very much astonished at what had fallen from the last speaker. No statement of the views of the association had been made to him, but such as was of the vaguest character. All that the members of the government had said upon the subject was, they saw no *prima facie* objection to the colonization of New Zealand, but that, before consenting to any measure for the purpose, they would require to be

satisfied on two points—first, that the subjects of the Crown were not to be inveigled into some wild and visionary scheme; and secondly, that security should be provided for the interests of the aborigines. The noble lord then proceeded to shew, that the Bill before the House complied with neither of these conditions; and said, that he should “cordially” vote against the second reading.

The bill was opposed by Sir Walter James and Mr. Goulburn, on grounds both general and particular. Lord Sandon also found great fault with certain of its provisions, and Mr. Pease said, that, although originally favourable to the colonization of the country, he could not, after perusing the bill, vote for its second reading. Mr. Hutt and Mr. P. Howard pointed out the advantages which would accrue to Great Britain from the measure. The bill was thrown out by a majority of 92 to 32.

An attempt was made this session to persuade the House of Commons to re-consider its decision

with respect to the site of the new houses of Parliament. Colonel Davies, on the 14th of June, made a motion for a select committee on the subject.

The Chancellor of the Exchequer, however, contended, that, after such a lapse of time, the House was bound to look upon the question as closed. There was no longer room for discussion; money had already been voted, and the works had been actually, for a considerable time, in progress.

Upon this subject, it was remarked by Sir Henry Hardinge, that, as the foundation of the edifice would encroach very much on the river, it was indispensable that every precaution should be adopted for rendering it secure.

The Chancellor of the Exchequer assured the House, that no apprehension need be entertained about the security of the foundation.

The House then divided on the motion for a committee, which was negatived by a majority of 97 to 33.

## CHAPTER IX.

*Remarks on the Policy of the Government, in respect to Spain—Colonel Evans appointed a Knight Commander of the Bath—Lord Palmerston's Reply to enquiries made upon the subject—Sir De Lacy Evans's Speech in Vindication of himself—Debate in the House of Commons on Spanish Affairs—Lord Eliot—Mr. Cutlar Ferguson—Mr. Sidney Herbert—Sir Hussey Vivian—Mr. Pemberton—Mr. Sheil—Debate adjourned—Unexpected Division—Discussion on the case of the Vixen—Lord Palmerston's explanation—Duke of Wellington's Remarks on the British Legion—Convention of Evora Monte—Debate in the House of Lords on Lord Minto's alleged instructions to the Commanders of Vessels on the Spanish Coast—Lord Brougham, Lords Minto and Melbourne at variance in their interpretation of the Quadruple Treaty—Duke of Wellington rescues the Government—Division—Estimates—Navy—Army—Ordnance—Supply of Arms to the Spanish Government—Reduction of the Yeomanry Cavalry—Discussion in the House of Commons on the subject—Lord John Russell—Sir Robert Peel—Promotion in the Marines—Defeat of Ministers—The Budget—Mr. Spring Rice's intended issue of Exchequer Bills—Mr. W. Williams—Mr. Goulburn—Sir John Reid's Remarks on the honourable conduct of the American Merchants—Mr. Villiers's Motion and Speech for repeal of the Corn Laws—Sir W. Molesworth—Division—Colonel Seale's Motion with regard to bonded corn—Division—Mr. Gillon's motion for augmenting the allowance to the Duke of Sussex—Division—Mr. Hume's motion respecting the King of Hanover's allowance—Division—Rejection of Lord Canterbury's claim for compensation on account of losses sustained at the burning of the Houses of Parliament—Division—Danish Claims—Mr. Warburton's motion on the subject—Mr. Cresswell's motion in favour of the claimants on account of losses of ships and cargoes—Debate and Division on Mr. Spring Rice's declaration of his intentions on the subject—Treasury Minute, carrying the resolution into effect—Motion for the Repeal of the Soap Tax—Lord Sandon's Amendment—Division.*

**T**HE minister to whom the country are confided, has unquestionably a strong claim upon our foreign relations of the

forbearance and reserve. The springs, which regulate his operations, must often, of necessity, be concealed, and his ulterior objects do not admit of exposure to the public eye, till the moment of their execution. It is, therefore, both unwise and unjust, to censure measures while they can be but imperfectly understood. No such reasons, however, appear to remain for withholding an opinion upon the policy which the British Government has been pursuing with regard to Spain. All the material circumstances connected with our disastrous interference in the domestic quarrel of the Spanish people, are now notorious. The enterprise was set on foot, in defiance of the remonstrances of those who were best competent to estimate its real character. Both General Evans, himself, as well as the ministers who encouraged his adventure, had been repeatedly warned that it must fail of success—that by interposing a few thousand men between the parties they were only about to aggravate the quarrel; and that of all people, the Spaniards were the most impracticable, either as allies or enemies. But these and the like representations, proceeding from the Duke of Wellington and others well acquainted with Spain, both in peace and war, produced no effect. And now that the result has evinced the value of them, it is impossible to absolve the unsuccessful commander of the responsibility which his presumption has incurred.

It is assuredly far from our purpose to condemn the policy of Lord Palmerston, for no other reason than because it has been unattended by success; nor are we indisposed to do justice to the

manner in which General Evans contended with the difficulties of his situation in the north of Spain. But both the one and the other of these individuals must be held to answer for deliberately engaging in a design not more practicable in its object than it was praiseworthy in its principle. Some of our readers may probably recollect a remarkable expression which Mr. Canning made use of, when, in 1823, on the invasion of Spain by the French Government, he was pressed to repeal the Foreign Enlistment Act, and to resort to a scheme of intervention similar to that so unsuccessfully adopted by the present Government. “Sir,” said Mr. Canning, in Parliament, “let us not be *sneaked* into a war.” The hostilities, in which we are at present engaged with Don Carlos, could not be denoted by a more significant phrase.

Notwithstanding the completeness of their failure, Government did not hesitate to reward the services of General Evans in Spain, by appointing him to a Knight Commandership of the Bath. The exact nature of the gallant Colonel’s claim to this decoration is not quite obvious. The appointment, as might be expected, excited a strong feeling of dissatisfaction in the army and navy. Indeed this mark of honour could only be conferred at all but at the expense of one of the established rules of the institution, which excludes from the grade of Knight Commander all officers below the rank of Major General, or Rear Admiral. At the time, that Colonel Evans was invested with the order, there were it is said, no less than sixteen Lieutenant Generals, and sixty-two Major Generals of the British army—who were only companions

of the Bath. - Many of these were old and tried soldiers, and by no means likely to acquiesce in any superiority of pretension on the part of Colonel Evans. Soon after the investiture of this officer had been announced, Mr. Bradshaw, (on the 23th of February) demanded of Lord Palmerston in the House of Commons, whether the appointment of Colonel Evans had passed in the regular course through the War-office, on the recommendation of the commander-in-chief?

Lord Palmerston replied that the appointment had been made, "in the usual manner, by her Majesty's Government, and upon their own responsibility." And he added, that he regarded it, "as earned and well bestowed."

Sir A. Dalrymple then enquired, if Sir De Lacy Evans had been appointed, as one of the ten foreign officers who are eligible by the rules of the institution?\* To this Lord Palmerston replied in the negative.

On the 13th of March, Sir De Lacy Evans undertook to vindicate his legion and himself in Parliament. The gallant officer spoke at great length, and with perfect moderation. It would, however, be difficult to do justice to his speech, in such an abstract as our pages alone admit of, since its most important features consisted of military detail, and historical comparison. On the whole, as was to be expected, it aimed rather at an extenuation, than a denial, of the facts with which it professed to grapple. But still

after making every allowance for the exaggerations of which the gallant officer complained, the total, and most calamitous failure of the expedition hardly admit of a dispute. With respect to the sickness and mortality stated to have prevailed in the British ranks, Sir De Lacy Evans observed, that, at the commencement of his operations, the whole force of the legion amounted to about 8,000 men, and including subsequent reinforcements never exceeded 9,600. When they marched from Bilboa, the entire infantry was composed of either striplings, or of men too old for service. 2,300 were so crippled from disease and other causes, as to be incapable of bearing arms; and they were only permitted to remain, for lack of means to transport them home. At least two-thirds of these men died in the hospital, without having done a single day's duty. The effective force of the legion never exceeded 4,700. The whole number, who perished in Vittoria, and its environs, in six months, was 1,223: and the total loss in the two years, including those who were killed in action, about 2,078. The number who passed through the hospitals, during that period, was 1,430: a number which did not indicate any extraordinary prevalence of disease. During the thirty months campaign of the Duke of Wellington in the Peninsula, 346,000 men passed through the hospitals, on a standing force of about 60,000.

The gallant officer, in enumerating other difficulties with which he had to contend, stated that he had reason to believe, that the Carlist emissaries in this country had induced men to enlist in the legion, with the intention of desert-

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\* Foreign officers holding English commissions may, to the number of ten, be admitted to the second class of the order, as Honorary Knights-Commanders.



ing to Don Carlos, on their arrival. 350 recruits had gone over to the enemy in this way.

Speaking of the want of discipline alleged to have prevailed in his force, he quoted the Duke of Wellington, who had complained, in 1810, that convoys of money were constantly plundered, and that military law was not sufficient to preserve discipline in the army; and that murders, robberies, and perjury were very frequent.

He then entered into details to shew, that the defeat at Hernani was less disastrous, than it was commonly represented to have been. There had been no flight on that occasion, nor had the marines saved the army. [See the last volume.] A retreat was indeed made, but only for 1,000, or 1,500 yards. On the two days, during which the affair lasted, the killed and wounded of his force amounted to 700 men.

Having given a circumstantial account of the other principal operations, in which the legion had been engaged, General Evans stated, that the conduct of General Espartero had been admirable; and that he did not believe, that a more honourable man, a braver or more faithful soldier, or a truer friend to his country, was in existence.

Sir De Lacy Evans was answered by Sir Henry Hardinge in a speech abounding with military statistics. The gallant officer contended, that Sir De Lacy had by no means made out his case; though, he would admit, that he had performed his task in a very creditable manner. He then proceeded to quote passages from various books and documents, published by officers who had served in the Legion, all tending to corroborate the prevailing opinion on

the subject, and to shew that the sufferings of that corps were of the most revolting nature, and that both its insubordination, as well as the punishments which it provoked, were excessive.

Sir Hussey Vivian supported Sir De Lacy Evans. Lords Eliot and Mahon spoke on the opposite side; and after a desultory discussion, in which Mr. D'Eyncourt, Colonel Davies, Captain Boldero, Mr. C. Wood, and Lord Palmerston were engaged, Sir De Lacy Evans's motion for the production of certain papers was agreed to.

The subject was renewed by Lord Eliot soon afterwards, who, on the 27th of March, brought the policy of this country, with respect to Spain, before the consideration of the House of Commons, and moved an address to the Queen, expressing the opinion of the House, that no advantage had resulted to England, or to Spain from the enlistment of our soldiers, permitted by the Order in Council, which suspended the Foreign Enlistment Act, and praying that this order might not be renewed. In a speech of great clearness, moderation, and courtesy, he reviewed the subject, from the date of the quadruple treaty, and censured the active course assumed by the present government, when Lord Palmerston, in 1835, succeeded the Duke of Wellington as minister for foreign affairs. He blamed the present cabinet for the engagements then entered into with the Spanish authorities, and still more for their neglect to see those engagements fulfilled. Ten thousand raw men had been employed upon a service for which three times that number would have been inadequate.

Mr. Cutlar Fergusson contended, that ministers had no power to

remain neutral. The neutrality of England would have put the Peninsula in the sole power of France. If we had joined the pretenders, Miguel and Carlos, we should have sacrificed the two kingdoms to the Northern Powers; and to support the queens was, therefore, the only resource — a policy, indeed, to which we were directed, not more by expediency, than by the obligation of treaty. He denied that the employment of the British Legion had been a failure, and quoted acknowledgments made by Spanish authorities of the services it had performed. He vindicated the principle of leaving our fellow-subjects at liberty to hire themselves into foreign armies, and argued, that though the object of this motion was but to turn out the ministers, yet the question involved in it was no less than the policy of supporting the quadruple treaty, and upholding free institutions in Spain.

Sir A. Dalrymple supported the motion; Captain Pechell and Mr. Poulter opposed it. Mr. Sidney Herbert defended his party from the insinuation, that they had been capable of rejoicing at the failure of British troops, even in a cause which was not to be approved. "Nor do we complain," said he, "that their commander was deficient in courage and energy; but we complain of the ministers who sent him into a situation where those qualities could not be made available. They had been supporting a minority of the Spanish people to overrule the wishes of the majority—that was their Liberal policy!"

Lord Mahon observed, that to talk about the glory which this Legion had acquired, was really more than gross adulation—it was

uncivil irony. Then, as to advantages of a more substantial kind, they had given us the benefit of expending a million of money—a sum, which, he said, would have maintained, for a hundred years, the yeomanry now about to be disbanded.

Mr. Pemberton professed to explain the real objects and merits of the motion. It was brought forward, he said, to affirm the principle, that this country ought not to interfere in the concerns of foreign states. The principle of non-intervention was one of the main grounds on which Lord Grey had solicited the confidence of the people for his administration, and that principle the House were now called on to re-assert. Throughout the whole history of British interference in Spain, there was but one satisfactory occurrence—the treaty negotiated by Lord Eliot, for saving the lives of prisoners on either side. That treaty, enacted while the Duke of Wellington presided over the Foreign-office, was accomplished through the moral influence of England. No sooner was he removed, than that influence ceased; for a new policy was taken up by his successors, and its first fruit was the irritation of Don Carlos, resulting in the barbarous decree of Durango. It was only the just indignation excited against Don Carlos by that decree, which had prevented the dissatisfaction of the English people against the conduct of ministers from evincing itself in a more determined form. In June, 1835, Lord Palmerston had represented the Carlist movement; as a mere partial insurrection of 10,000 or 12,000 men in a province; yet 35,000 C had since ap

ships, in consequence of Lord Lansdowne's assertion, that this was a question of policy and convenience. It was not so—it was a question of treaty—Lord Minto had stated it to be such. He entreated the noble lords opposite not to send the House away with the notion, that papers had been demanded which could not conveniently be made public. They ought to explain what they meant by the obligations of the treaty.

The Earl of Minto begged to observe, that in the statements he had made, and which he now repeated, he was delivering, not the deliberate opinion of the Government, collected after consultation, but his own individual opinion. — [*Cheers and laughter.*] He considered that the obligations of the treaty extended to any case in which other powers should combine with Don Carlos in warlike operations.

The Duke of Wellington, however, very aptly remarked, upon this, that the First Lord of the Admiralty could not give instructions without the sanction of the secretary of state.

Lord Melbourne, finding himself hard pushed, upon this occasion seems to have thought it to be safer policy to abandon his First Lord of the Admiralty, than to differ from the leader of the Opposition; and accordingly, with the greatest composure, he observed, that, with respect to the treaty, he entirely agreed with the noble duke, in the interpretation he had put upon it. It was in no respects a treaty of alliance, offensive or defensive, with the Queen of Spain against the rest of the world. Any power had a right to assist Don Carlos. But whether

this would lead to a war, was another question.

The Duke of Wellington said, that after what he had just heard from Lord Melbourne, coupled with the noble Lord's declaration, that the production of the papers would be detrimental to the public service, he felt induced to ask their lordships not to call for the instructions, which had never been, nor were likely to be, acted upon.

Lord Brougham said, he was not surprised at all this. He had all along suspected that he, who, over and over again, had been the saviour of her Majesty's Government—the true friend, indeed, because the friend in need—he whose friendship rose in generosity in exact proportion as their necessities pressed upon them—that he would once again come down with his powerful assistance to defeat the motion, and undo the good the motion would effect.

The Earl of Mansfield said, that he had heard, with great grief, though not without surprise, the statements and recommendations of the noble duke; but, grieved as he was, he did full justice upon this, as upon every other occasion, to the purity of the noble duke's motives. He declared his own intention to be, to support the motion.

Lord Ellenborough, and the Earl of Harewood concurred in thinking that the papers should be produced.

Upon the division, the ministers had a narrow escape, notwithstanding the shield thrown over them by the Duke of Wellington. The numbers were 57 on either side, so that the motion was lost in accordance with the established rule of the House. The Duke of

Wellington himself had left the House without voting.

On the 5th of March, the Navy Estimates were presented to the House of Commons, amounting in the whole to 3,085,000*l*. Mr. C. Wood moved a resolution to the effect, that there be employed in the fleet for the next thirteen lunar months, ending on the 31st of March, 1839, 33,665 men, including 2,000 boys and 9,000 marines.

Mr. Hume having made his customary observations on retrenchment, Mr. C. Wood, in reply, remarked, that it would be most imprudent to diminish the navy, while the fleets of other maritime powers were on so powerful a footing. The number of Russian ships of the line in commission, far exceeded that kept at sea by this country for many years past. The French navy also had been recently augmented.

Sir E. Codrington and Captain Pechell complained that there was not sufficient encouragement in the navy. The latter Member, among similar instances, observed, that there were 363 midshipmen or mates. The first three were forty-one years of age; the next thirteen were thirty-four years. The average amount of their pay was 50*l*. 12*s*. 8*d*. There were 203 midshipmen, 61 of whom seemed to have served, on the average, nine years beyond the time of qualification, and whose pay averaged 31*l*. 4*s*. 0*d*. per annum. There were 175 who served as volunteers at 12*l*. per annum. Here were 741 persons serving for 27,000*l*. a-year.

The Army Estimates were brought forward by Lord Howick, on the 12th of the same month. He said there was an apparent in-

crease of 8,000 men, but that the actual increase was much less than was implied by the figures. It had been the practice for some years past to keep up all the regiments in the estimates to the full extent of their establishments, though in practice they had a number of men short. For the last two years the actual reduction had been made to the extent of eight men in each company of infantry, and five men in each troop of cavalry. It was not proposed that the whole of these reductions should be made up. All that had been hitherto ordered under this head was, that the number of the cavalry should be completed, which would be attended with an increase of 580 men; and that such infantry regiments, as furnished the military force in the North American provinces, should be recruited up to their full complement. In other words, they had this year deducted a smaller number of non-effective men. So that, whereas the deductions last year were equivalent to a diminution of 181,000*l*. expenditure, they would only amount in the present year to 110,000*l*., giving an actual increase of 71,000*l*. There was, also, an increase of rather more than 9,000*l*., on account of officers sent to Canada on the first appearance of the rebellion. Making allowance, therefore, for a deduction of 2,500*l*., on account of the staff corps, which had been transferred from the army to the ordnance estimates, the net regimental charges of the present year shewed an increase of 77,322*l*. On the other hand there was a diminution in the yeomanry corps to the extent of 25,127*l*. The noble Lord having enumerated various items of expenditure, pro-

ceeded to state, that the total increase to be provided for was 48,833*l*. At the same time, he said, that although it had been found possible by the present arrangement to send a considerable body of troops to North America, without interfering with the regulations relative to the reliefs of forces on foreign stations, yet this could not be accomplished for any lengthened period without a very great increase of the military establishments of the country. It was also proper to state that no allowance had been made in these estimates for the large increase of expense which must have been incurred in putting down the revolt in Canada. The Government had as yet received no data as to these expenses, but he had no doubt but that, from the number of volunteers taken into pay, a very considerable demand would be made by the provincial authorities.

He concluded by moving a resolution for raising 89,305 men for her Majesty's land forces.

Mr. Hume said, we had 20,000 men more than when the Duke of Wellington was in power. On the present occasion he should propose a reduction of 10,000 men.

Lord John Russell expressed his surprise at the extravagance of Mr. Hume's assertion. Before the Duke of Wellington quitted office, the army was reduced by 7,684 men. In 1831, Lord Grey replaced them, but in 1834, they were again reduced. An increase was now made, but not to the standard of 1831; as it fell 7,000 men below it.

Mr. Hume, on a division, obtained 11 votes for his amendment, besides the tellers, against 121.

Sir Hussey Vivian moved the Ordnance Estimates on the 27th

of April. Among them, he said, would be found an increase of 15,000*l*., for an improvement in the small arms used by the army. Sir Hussey remarked, that when he was in Ireland he had paid great attention to this subject, and had ascertained that at least one musket out of five missed fire. The muskets were, in many respects, very ill-constructed. Upon the whole estimates there was an increase of 51,000*l*.

Sir Robert Peel demanded to know, whether the Spanish government had made an application to this country for a supply of arms, founded on the existing treaty?

Lord John Russell said, that a requisition for 100,000 muskets had been made. And her Majesty's Government had complied with the application.

Sir R. Peel observed, that according to the representations of the Spanish Government, only 50,000 of these arms had come to hand.

Lord John Russell, having repeated that 100,000 had been furnished,

Sir R. Peel said, he must then suppose that they had fallen into the hands of Don Carlos.

In connexion with the military expenditure of the country, we may notice the course pursued by the ministers with respect to the yeomanry cavalry. This force had been reorganized in 1831, and, at that period, it consisted of 18,303 men; it was this year reduced by Government by the amount of 4,709 men. A step which had excited a good deal of dissatisfaction in the rural districts. The policy of the Government, as well as the real nature of the question, was stated by Lord John Russell, in the course of a discussion, which

arose out of a motion of Lord Howick's, for appropriating 80,280*l.* to this branch of the public service.

The noble lord, having done full justice to the zeal and military conduct of the yeomanry force, remarked, that they were not to be compared, in point of efficiency, to the militia. Their services were hardly ever required, except for the purpose of putting down riots. They could not be employed, as the militia were during the late war, when a portion of that force was joined, upon an emergency, to the regular army. It was, moreover, almost impossible to call out a corps of yeomanry for the suppression of a disturbance, without exciting a good deal of acrimonious feeling. He was of opinion, that it was the duty of the Government to reduce the number of yeomanry cavalry, in those places where their services were not likely to be required, as well as in the neighbourhood of large towns, where they were more likely to create than to suppress disturbance. The administration of 1827 had cut down this corps to 7,025 men, while he proposed to keep them up to 13,594. The Duke of Wellington, on coming into office, had been satisfied with a force of 8,000 men.

Before he sat down, he added, that he must express his hope, that the time was not far distant, when the means of the country would enable him to propose a far more efficient and constitutional force—he meant a good militia force, which might be a most valuable body, in the event of hostilities breaking out with foreign powers.

Sir Robert Peel, on the other hand, denied that the yeomanry would be useless in time of war. It was true they could not garrison

towns. But was there no danger of collision with the people at such a period? One of the most valuable points in this force was, that so long as it continued in existence, there was a dormant spirit in being, which might, at any moment, be called into activity for the protection of property. On the one hand, the loyal enjoyed a consciousness of strength and security, on the other, there was a dread of force, which awed the turbulent into peace. With respect to the inconvenience of summoning the vicinage in aid of the civil power, he had heard it alleged, with great surprise. For it was one of the Saxon principles of the British constitution, to impose on the vicinage the maintenance of the public peace.

It may be mentioned that, early in the year (February 27), ministers were defeated on a motion, made by Lord George Lennox, that an address should be presented to her Majesty, praying her to take into consideration the expediency of adopting some plan to accelerate promotion generally in the royal Marines, so that it might keep pace, in a fair and equitable degree, with those branches of her Majesty's forces, in which promotion is progressive. The noble lord dwelt with considerable force upon the disadvantages to which the gallant corps in question were subjected in comparison with other parts of the service, and mentioned, amongst similar instances, that, from 1814 to 1820, there had been but one promotion in the *marines*, whilst the artillery had had 107, and the engineers 56, in the same period.

The motion was seconded by Captain Boldero, and received the support of Mr. Hume, Sir C. B.



Vere, Captain A'Court, Sir J. Carnac, and Captain Pechel.

It was opposed by the ministers on grounds of general policy; and the Chancellor of the Exchequer moved, by way of amendment, "for a return of copies of the order in council, dated July 1837, with reference to the corps of royal Marines, and of the effects of promotion thereunder." But the original motion was carried on the division. Ayes 100; noes 87: majority 13.

It may be deserving of remark, that, on this division, Mr. G. S. Byng, the controller of the household, and member for Chatham, voted against the administration.

A few days afterwards, Lord John Russell communicated to the House, that the Government had thought proper to advise her Majesty to return an answer to this address, expressive of her willingness to comply with the wishes of the House, but, at the same time, recommending the appointment of a commission, consisting of naval and military officers and civilians, for the purpose of taking the whole subject of promotion into consideration.

On this occasion, Mr. Goulburn took the opportunity of animadverting on the vote recently given by Mr. G. Byng.

Lord John Russell replied, that, undoubtedly, if that gentleman had spoken to him on the subject previously to the debate, he would have frankly told him, that it was impossible for him, holding a situation under government, to act in opposition to ministers. But he had known nothing of the right hon. gentleman's vote till after the division, when he had been informed by him, that he stood engaged to certain of his constituents,

officers of marines, to vote in the manner complained of.

The noble lord then observed, in reference to the subject generally, that it had always appeared to him, that, when there was any difficulty respecting an individual vote, the better course to pursue was, to enforce, as far as possible, the authority of government, but, if a question arose, on which the honour of any gentleman indicated a line of conduct at variance with that marked out by Government, it might be advisable to relax in the application of the rule.

Mr. Spring Rice presented his financial statement to the House of Commons on the 18th of May. He commenced by saying that, while there was nothing in the state of the revenue to excite alarm, there was undoubtedly much to occasion regret. The past year had been one of increased expenditure and diminished receipt; and at present a considerable deficiency appeared on the balance-sheet. The commercial crisis through which the country had passed, and the effect of which had shewn themselves in the state of the revenue, had not led to the same calamities, as those exhibited in 1825. Yet it was accompanied by circumstances calculated to excite alarm—viz. the course of the exchanges, and the demands on the Bank of England for treasure. The existence of the pressure had been made manifest, in another and not unimportant way; there had been a considerably increased demand for money from the savings' banks, the sums drawn out exceeding the deposits by a large amount. But better prospects now displayed themselves. The receipts of the year were of course diminished.

Taking the actual amount of income, omitting from the account the Bank balances, and other items not materially connected with the actual revenue of the country, it appeared, that in the year 1836-7, the receipt was 48,340,000*l.*, and and, in 1837-8, 45,880,000*l.*, giving a difference of not less than 2,532,000*l.* Nevertheless, the Chancellor of the Exchequer said, he hoped to shew, that this diminution of revenue was not of a permanent character. In instituting a comparison between the expenditures of the two years, the interest on the West India loan, to the amount of 750,000*l.*, was to be taken into consideration, it having been paid without the imposition of any new tax. There had been also an increase of expenditure connected with Canada, for which 681,000*l.* was to be provided. The average expenditure for that province in the year immediately preceding amounted to 205,000*l.*

The right hon. gentleman then explained, that an alteration which he had made in the time for the exchange of Exchequer bills had also thrown an additional charge on the payments of the past year, to the amount of 200,000*l.*, which properly belonged to the current year. There was also another ground of additional expenditure, in the increased rate of interest on exchequer bills, amounting, on the preceding six quarters, to 396,000*l.*, which additional interest, he contended, was a matter of necessity. He then proceeded to compare his estimate of the income and expen-

diture of the past year with the actual result, and he confessed that his anticipations had been disappointed. The estimate of revenue had amounted to 47,240,000*l.*; the actual income did not exceed 46,090,000*l.* The estimate of expenditure was 46,873,000*l.*; the actual expenditure, 47,519,000*l.* So that there existed a deficiency of 1,428,000*l.* But if the House would compare the income and expenditure of the two years, 1836 and 1837, they would find a surplus of income. The total estimated revenue of these two years had been 94,220,000*l.*, the actual income was 94,543,000*l.*, giving an average of 47,110,000*l.* for the estimated receipt, and of 47,271,000*l.* for the real receipt. The total estimated expenditure of the same two years was 93,702,000*l.*, while the actual expenditure only came to 94,109,000*l.*, giving an average of 46,851,000*l.* for the former, and 47,054,000*l.* for the latter. Taking, therefore, the two years together, and comparing the anticipation with the actual results, there was no deficiency.

The right hon. gentleman then entered upon a comparison of the prospects of the country in the past, with those of the ensuing year.

He had made his calculation, in two ways, the one, which he thought a fair one, upon an average of the last two years, the other upon an average of the last three years, though more disadvantageous to his purpose. In the first place taking the two years average he calculated the income,

From the Customs	.	.	.	£20,795,000
“ Excise	.	.	.	13,950,000
“ Stamps	.	.	.	7,000,000
“ Taxes	.	.	.	3,600,000

From the Post Office	.	.	.	1,600,000
Miscellaneous	.	.	.	279,000

He had omitted the smaller sums and fractions, including which the total amount would be 47,271,803*l*.

The expenditure in round numbers, he calculated as follows,

Interest on funded Debt and Exchequer Bills	£29,350,000
Charges on the Consolidated Fund	2,400,000
Army	6,800,000
Navy	4,800,000
Ordnance	1,500,000
Miscellaneous	2,550,000

Making the whole expenditure at 47,479,000*l*.

The Miscellaneous services included a vote, in the nature of a vote of credit for the additional Canadian expenses. For the last five years no vote had been taken for army extraordinaries, but he now proposed to take under that head, for the present year, 500,000*l*.

If, however, the House preferred to take the average of three years, as the basis of calculation, they would diminish the income side of the account still further, and increase the deficiency from 208,000*l*. to 505,000*l*.

Then came the question, how was the deficiency to be met? There was no ground for thinking it a permanent one, and he should therefore propose to take the course adopted upon former similar occasions with the sanction of Parliament. In the year 1827, Mr. Canning found himself with a deficiency, of 2,900,000*l*. This he met by resorting to a corresponding issue of Exchequer bills. Mr. Spring Rice said, he would have recourse to the same expedient, and should ask for a vote of credit to the extent of a few hundred thousand pounds only. In conclusion, the right hon. Gentleman admitted that the preceding statement was but an unsatisfactory one, but said he relied on the augmented re-

sources and increased activity of the country to enable them next year, to more than wipe away the existing deficiency."

Mr. W. Williams, the member for Coventry, expressed himself to be little satisfied with the Chancellor of the Exchequer's arithmetic. But he was especially disposed to question the wisdom of his mode of dealing with Exchequer Bills. He said he was fully prepared to shew, that a large sum of money might be saved by a reduction in the rate of interest which they bore. He had been astonished to hear the right hon. Gentleman a few nights since, when he moved for a vote of 24,000,000*l*. to cover the outstanding Exchequer bills, admit that they were to bear interest at two-pence a day, or at the annual rate of 3*l*. 0*s*. 10*d*. per cent. Mr. Williams stated that he had since been informed that any sum might be raised on ordinary security, at two and a-half per cent, and that it might be procured for short periods, at two per cent., to almost any amount. He had thought it surprising that the credit of the country should be in a lower state than that of ordinary individuals. But such would be found on examination was not the fact. For if they looked at the present price of Exchequer bills

bearing 3*l.* per cent. interest, it would be seen that the premium upon them amounted to three and a-half per cent., more than the whole twelve-months' interest. For six years, the rate of interest on these securities had been only two and a quarter per cent., and yet the Chancellor of the Exchequer had now advanced it to three and three quarters per cent. There never had been, he insisted, a time when money was so abundant and so easily raised. This was not only shewn by the rate of premium on Exchequer bills, but by the East India bonds, which only bore an interest of 3*l.* per cent., and were at a premium of upwards of 80*s.*

The interest on Exchequer bills at present was nearly equal to that upon consols; he asked was this proper? Did not the right hon. Gentleman know the difference between an Exchequer bill which was paid in full under any circumstances, and consols which were constantly fluctuating? Mr. Williams said, he was sure, that if the Chancellor of the Exchequer would only issue advertisements for tenders of Exchequer bills at 1½*d.* interest he would obtain them to any amount.

Mr. Goulburn cautioned the Government against an over issue of Exchequer bills. They must not he said look to the numerical amount alone, but to the circumstances of the country. Exchequer bills were payable on demand, and not only must the difficulty of providing for them in the ordinary course be considered, but the contingency of a sudden run should be taken into calculation. When Mr. Canning in 1827, raised three millions by Exchequer bills, he had only twenty-four millions in circulation. There were then no deposits in the savings' banks. Whereas

now twenty millions were laid up in those institutions. Suppose then there were to be a sudden demand for these deposits, such as had been made in France some time back, how was such a demand to be encountered?

Messrs. Hume, M. Attwood, Gillon, Hutt and Colonel Sibthorp, in succession criticised the statement of the Chancellor of the Exchequer, after which Sir John Reid, the Deputy Governor of the Bank of England, rose for the purpose of doing justice to the conduct of the merchants of America, to whom some allusion had been made in the course of the debate. It had been, he said, most honourable. From his own knowledge he was enabled to state, that, in many cases, they made sacrifices, during the late crisis, to the extent of thirty per cent, in order to meet their liabilities to this country. He felt satisfied that their debts would be paid, and that the trade between the two countries would be greater than ever.

On the 15th of March, Mr. Villiers moved that the House should resolve itself into a Committee to consider the act of 9th George 4th, c. 60, relating to the importation of corn. He began by remarking that it might be said that the present was not a fit time to bring forward the subject, because the public mind was in a state of repose with respect to it. But he thought it would be unwise to postpone the consideration of so important a question until a time when there would be neither calmness nor leisure to discuss it. He would first enquire into the purpose and principle of the corn-laws. He believed their purpose to be protection to the landed interest. It was alleged that the British farmer could not compete

with the foreign grower without protection. Such a principle he considered indefinite and unjust. Had the labourers, whom new machinery from time to time deprived of employment, received compensation? Yet every instance, in which human employment had been thus superseded, was accompanied with extreme distress to individuals. Suppose a majority of hand-loom weavers in Parliament. Might they not be expected, upon this principle, to prohibit power-looms, or, at all events, enact that until the cloth produced by hand labour reached a certain price, that produced by power should bear a fluctuating duty? He could see no difference between the case of the hand-loom weavers, and that of the land-owners. The principle was applicable to both.

He defied those who said the revenue would suffer by a change to point out the particular branch in which deficiencies would occur. The Customs and Excise gave 72 per cent. upon the whole revenue. With respect to the favourite argument of the land-owners, that they were entitled to a protecting duty, in consequence of a heavier taxation, he maintained that the land was favoured, instead of being over-burthened. The fact was, that there were no landowners in Europe who were so exempted from taxation as ours; and the operation of the Corn-laws was greatly to limit the resources of the revenue. He had often sought for some excuse for them: he should, indeed, be glad to find a tolerable pretext for their existence, because he could not now help considering them an insult as well as an injury to the country. Would any member show what branch of the revenue was more contributed

to by the landowners than by the other classes? Was it the Customs, the Excise, or the Assessed Taxes? They were exempted from paying for their servants, their dogs, and their carts; land was exempt from the legacy and the probate duty. Their proportion of the whole revenue was twenty-eight per cent.; but he would take the calculation at one-fourth; and he would ask, did they pay that proportion to the general taxation? If they did, let them prove it. He asserted the contrary, and was ready to prove it. They did not pay the same proportion even of the county-rates or highway-rates, as the tradesman and householder. Within the last three years, they had obtained relief to a most extraordinary extent. Half the county-rate was charged to the Consolidated Fund, the Poor-rates had been diminished nearly one-half, and the value of land had been greatly increased by the Tithe Commutation Act. When the landowners were indemnified, he claimed some relief for those who suffered by the Corn-laws.

Another argument used by the country gentlemen was, that agriculture was as much entitled to protection as manufactures. But Mr. Villiers said, the manufacturing interest did not claim protection—it repudiated the principle. Even under the existing system, it had only a protection of twenty or at most thirty per cent., whilst the land-owner had a protection of eighty, if not 100 per cent.

Again, it was said that it was necessary to maintain the Corn-laws as a political institution—that they were essential to the preser-

vation of our old constitutional system. But Mr. Villiers thought that the resources of a country would be best developed by employing the population in those pursuits for which the country afforded the greater facilities. It was generally calculated that 52,000,000 quarters of grain were produced in this country, of these he would suppose that 26,000,000 were consumed by the agriculturists, the remainder being brought to market for sale. He believed it was computed that the landed interest would lose 12s. a quarter, in the event of the ports being open. Therefore, taking the quantity of home-produced wheat brought to market at 26,000,000 quarters, the total loss to them would be 15,600,000*l*. This represented the sum now paid by the country for the maintenance of the Corn-laws. The expense of the army and navy was immensely increased by these laws. In the victualling department alone the loss to the country had been stated at from 600,000*l*. to 700,000*l*. The expense of provisioning ships was one of the principal difficulties, which the ship-owners of this country had to encounter. Our own prohibition system had driven Prussia and the United States to have recourse to a corresponding one; nor would they take our manufactures, unless we consented to receive their staple, which was grain.

Nor did these corn-laws, said Mr. Villiers, really confer any advantage on the landed interest. They were always complaining—always in difficulties. In fact, the corn-laws produced nothing but ruinous fluctuations in prices. He concluded by saying that he should vote in the committee for an immediate abolition of them.

Sir William Molesworth seconded the motion. After indulging for some length in a strain of abstract reasoning upon the subject, he concluded by presenting an alarming picture of the accumulated evils derivable from the system of the corn-laws. There was, said the hon. baronet, an excess of farmers without farms, shopkeepers without customers, lawyers without briefs, clergymen without cure of souls, doctors without patients, sailors and soldiers without employment; besides shoals of architects, painters, surveyors, tutors, clerks, and others. All these classes were uneasy, and the victims of competition. What was still worse, people could not marry, or must marry very late in life, consequently there was also an excess of unmarried women, too few of whom ever reached the honoured state of being a wife. Hence immorality unparalleled in Europe, and every foreigner who visited the land was shocked and amazed at the exhibition of profligacy in the streets.

The Marquess of Chandos, Mr. C. Berkeley, Lord Darlington, Mr. D'Israeli, Mr. Cayley, and Mr. G. Knight spoke in opposition to the motion; and Sir Henry Parnell, Mr. Clay, Sir Ronald Ferguson, and one or two other members in support of it; after which the House divided. Ayes 95; Noes 300. Majority 205.

On a subsequent evening (March 20th), Colonel Seale brought forward a motion, in which the land-owners detected a design, however latent, to invade their cherished privileges. The gallant colonel's proposition was, that foreign corn in this country should, under certain restrictions, be permitted to be ground while in bond, and exported, security being given for its



exportation. The object of the measure was, to enable merchants trading to foreign countries, and ship-owners, to lay in their supplies in the ports of the United Kingdom, instead of being driven, as at present, to obtain them from those of the Baltic.

The Marquess of Chandos said, that the measure would repeal the corn-laws. Extensive frauds would take place, and a great alteration in the price of corn ensue.

Mr. Warburton pointed out the distinction between the present motion, and that for a repeal of the corn-laws, lately laid before the House. A new branch of trade would be opened, without the agricultural interest suffering in the least degree.

Sir Edward Knatchbull, upon this, acknowledged, that, if he could be convinced that corn could be kept with security under the Queen's locks to be ground, and then exported, without risk of fraudulent tricks, he should not object to the proposition.

Mr. Poulett Thomson had no hesitation in saying, that no such fraud, as was apprehended, could, by any possibility, take place. He entered into details to shew, that the preservation of the whole revenue of the country depended upon the security afforded by the bonded warehouses. And that corn could not be smuggled out of them more easily than sugar, tobacco, and such other articles, on which much higher duties were payable.

Several gentlemen, who generally voted with the landed interest, after hearing Mr. Poulett Thomson's statements, intimated their disposition to make a concession upon so immaterial a point. And Colonel Seale's motion was

carried by 127 to 92. But the bill was, nevertheless, thrown out on the second reading by a majority of 220 to 150.

On the 6th July, Mr. Gillon, the member for Falkirk, submitted to the consideration of the House the propriety of augmenting the parliamentary allowance to the Duke of Sussex. The hon. gentleman entered into details to shew that his royal highness had been placed in a position by no means favourable with respect to allowances and emoluments, as compared with the other male branches of the royal family. The duke at present received 21,000*l.* per annum, a sum comparatively moderate. It was known that, for twenty-five years, his royal highness had presided over sixty institutions, many of them of a literary and scientific nature, and to all of which he had been a liberal benefactor. It was equally notorious that he had collected a valuable library, which was open to the inspection and use of the public. Neither the time nor the revenue of his royal highness had been wasted in frivolous pursuits or selfish gratification, and the hon. gentleman said, he felt that, in bringing forward this motion, he carried with him the approbation of his constituents and of the people at large.

Mr. W. F. Campbell having seconded the motion,

Lord John Russell, without disputing the statements of Mr. Gillon, in which, indeed, he fully concurred, said, that he thought that ministers had consulted the interests of the Crown, and of the royal family in general, by declining to advise her Majesty to send a message to the House, proposing an increase to the income of the Duke of Sussex. Had he consulted

nothing but his own inclinations, they would have led him to a very opposite conclusion. But, speaking as a member of Parliament, and a minister of the Crown, he deemed it advisable to keep the incomes of the royal family within the limits already assigned them.

Mr. Warburton said, that the course taken by the noble Lord did him the greatest honour, and would, he hoped, be estimated by the country, as he perceived it was by gentlemen on the other side of the House.

Sir Robert Peel remarked, that he felt fully that Lord John Russell, from his habits of intimacy, and community of political sentiment with the Duke of Sussex, had very great temptations to depart from the strict line of duty. But he had that night set an example to public men which was well deserving of imitation. Sir Robert proceeded to say, that, in supporting Lord John Russell in his opposition to the motion, he was doing what was personally disagreeable to himself; his feelings, as an individual, being in favour of the motion.

After adverting to the duke's scientific pursuits, and to his hospitality, Sir Robert observed, that it would be dangerous to acquiesce in the precedent that the motion would furnish—that governments were more inclined to economy on questions of the kind, than the House of Commons itself; and, lastly, that such propositions ought always to originate with the ministers.

Mr. Freshfield, Mr. Tennyson D'Eyncourt, Lord Dungannon, Sir De Lacy Evans, Sir M. Wood, Lord Worsley, and Sir E. Codrington supported the motion, which Mr. Hawes and Mr. Hume, unwilling to oppose, and unprepared

to support, entreated the mover to withdraw.

Mr. Gillon, however, insisted upon dividing the House, when his motion was rejected by a majority of 98 to 48.

The Duke of Sussex, not long afterwards, abdicated the office of President of the Royal Society, under the plea of inability to incur the expense which that situation entailed upon him.

Mr. Hume had, at an earlier period of the session (May the 1st), moved the suspension of the Duke of Cumberland's allowance, so long as he should continue King of Hanover. The Chancellor of the Exchequer, of course, opposed this motion, which, after a short discussion, was negatived by a majority of 97 to 62.

It may be also here mentioned, that the House of Commons refused to recognize the claim of the late Speaker, Lord Canterbury, to indemnity for the loss of furniture and effects incurred by him, when the Houses of Parliament were burned down. It seems that the right hon. Gentleman whose residence was contiguous to the House of Commons had suffered his insurance to expire, when he first retired from the chair, which he had then no expectation of being again called upon to occupy. And that he had, when re-elected, omitted to renew his policy. The loss, which he sustained by the fire, amounted to several thousand pounds. The ground, upon which he claimed compensation was, that, as a public servant of the country, he had been compelled to reside in a particular building, which building had been destroyed through the negligence of other public servants, over whom he had no control. That he had no obliga-

tion to insure his house against such contingencies, and that even if he had insured, his policy would not have been valid at law, inasmuch as the construction of the building was not in accordance with the conditions prescribed by the insurers.

The Chancellor of the Exchequer said he felt himself bound, on public grounds, to resist this application. If admitted, it would be followed by many others. To relieve public servants from the prudential obligation of insurance, merely because their duties imposed upon them the necessity of residing in buildings belonging to the public, was surely no desirable object. And he could not consent to establish any precedent to that effect.

The proposition for indemnity, however, was only negatived on a division, by a majority of 173 to 163.

We may now notice the claims of another class of petitioners for compensation, which were also resisted by Mr. Spring Rice, though with less success than the preceding.

For many years past, the attention of the House of Commons has been, from time to time, solicited to the case of a class of persons usually denominated "the Danish claimants." And it is but lately, that the representations made on their behalf have met with a favourable consideration. The particulars of the claims in question are shortly as follow. After the capital of Denmark had been bombarded by the British expedition in 1807, and its fleet seized and carried away, previous to a declaration of war, the Danish Government, by way of reprisals, proceeded to confiscate whatever British property was within their reach.

The property, belonging to Brit-

ish subjects, which was seized, upon this occasion, consisted of three classes—book-debts, merchandise *on shore*, and ships with their cargoes. And the parties who had sustained these losses, in consequence of the unlooked for aggression of their own Government, contended that they were entitled to indemnification from the country.

It should be observed, that the law of nations varies in its respective application to the three classes of goods just indicated. At least such is the opinion of the law officers of the crown.

In the event of a war between two countries, book-debts and merchandise *on shore* cannot, it is said, consistently with the maxims of that law, be confiscated; but it is otherwise with ships and cargoes at sea. When, therefore, the Danish Government seized property of the former description belonging to British subjects, it acted in violation of law. And it became open to the sufferers, to say to their own Government, "the Danes have done what they had no right to do, even in a state of war. We call upon you to compel them to do us justice, or to give us compensation yourselves." With respect to those, who had incurred loss by the seizure of ships and cargoes, the case was different. They had no claim for redress, or for compensation in lieu of it.

The British Government on resuming its amicable relations with Denmark did not choose to prefer any claim against that power, on account of the illegal confiscations, and therefore incurred a *prima facie* liability to its own subjects. This, for the first time, was acknowledged by Lord Althorpe, in 1834, though to a limited extent.

The indemnity which he proposed to accord, was, at first, confined to the sufferers by losses from the interception of their book-debts, who were allowed three months time to come in, and substantiate their claim. Afterwards, however, persons whose claims were founded on the seizure of merchandize on shore, were comprehended in this scheme, and a like period of three months was allowed them; while the time granted to the former class of applicants was extended to six months.

In 1835, a sum of 112,000*l.* was voted in respect of the book-debts; and in the following year 78,327*l.* was granted under the other head. In this stage of the proceedings, Mr. Warburton, early in the present session (Dec. 4th), made an application to the House of Commons for an enlargement of the period allowed to those who had sustained losses in respect of merchandise on shore. The hon. Gentleman, contended, with great appearance of justice, that there could be no valid pretence for excluding the one class of claimants from the indulgence accorded to the other.

The Chancellor of the Exchequer was, at first, disposed to resist this proposition, but on finding that he was not seconded in his opposition by a single Member of the House, he gave way with great reluctance, and Mr. Warburton's motion was acceded to.

Thus far, however, it will be observed that the relief was limited to the two first classes of sufferers.

But it would seem, that the remaining division of claimants, were encouraged by the apparent liberality of Parliament, to make one more attempt to be admitted into a participation of the relief

from which they had hitherto been rigorously excluded. Accordingly, on the 24th of May, Mr. Cresswell, one of the Members for Liverpool, brought their case before the House, and moved an address to the Crown, praying, that the commissioners, to whom the former classes of claims were referred, should be directed to extend their enquiries to the case of those who had sustained losses on account of the seizures of ships and cargoes.

Without discussing the legal distinctions before adverted to, as applicable to the different descriptions of goods captured by an enemy, Mr. Cresswell endeavoured, by an argument founded on a broader and more intelligible principle, to establish the general liability of the Government to all the claims in question. It was not upon the irregularity of the Danish mode of reprisals, but upon the conduct of our own Government in inducing those reprisals, that he insisted. No doubt, he said, the seizure of the Danish fleet might have been an act of state necessity, essential to the safety of the country. But it was, surely, an act of common justice to give compensation to such British subjects as had suffered by reason of that extraordinary and unexpected proceeding. If the losses incurred upon that occasion were assignable to any fault or negligence of the parties, the case might stand on a different footing, but the very reverse was the fact. There was no ground, at the time for apprehending a war with Denmark; no increase of premium for insurance was required in respect of the ships and cargoes in question; the commander of the fleet proclaimed, as he advanced in the direction of Copenhagen,

that he came with no hostile designs, but as an ally and a protector, and assured the masters of British merchantmen, that they might navigate the Baltic without fear of molestation. But, continued Mr. Cresswell, the matter did not rest there. The British Government followed up their blow at Copenhagen by confiscation of Danish property to the amount of 1,300,000*l*. Under what pretence? What wrong had Denmark committed? What reprisals had we a right to make? How could such a violent measure be justified, except that the property was seized in anticipation of the reprisals which the Danes would inevitably make, and by way of providing a fund for the compensation of the British subjects whose vessels and goods might be captured?

The law of nations was clear upon the point. All the great authorities who had treated of the subject, were agreed in holding that a state occasioning reprisals, was bound to compensate those, who had suffered by them; that the sovereign, in such cases, must indemnify his subjects. Nothing could be clearer than, that if the public good required a proceeding which is attended with damage to blameless individuals, the public is bound to make up the loss. The present case was one of that description. A great national danger had been averted by extraordinary means, but it was at the expense of the petitioners, who were entitled to compensation from the country.

The motion was opposed by the Law Officers of the Crown, and by the Chancellor of the Exchequer, who contended that the present class of claims was distinguishable from the two others.

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Mr. Cresswell, in reply, positively denied that there was any such distinction, as that contended for, and asserted that the three classes of claimants must stand upon a precisely similar footing. The cause of the petitioners was also espoused by Messrs. Hutt, Ingham, Clay, Warburton, and by Sir Walter James.

Mr. Goulburn, on the other hand, declared, that he was convinced, that an acquiescence in the claims advanced in the present instance, would go far to shake the naval supremacy of this country.

The House divided on the motion, which was carried by a majority of 115 to 81.

The Chancellor of the Exchequer, apparently much disconcerted by this result, gave the House to understand that he should not "take upon himself any responsibility" in consequence of the vote which had just been come to.

It was, nevertheless, immediately acted upon. A "treasury minute" of the 22nd of June was issued, which contained directions for carrying into effect the resolution of the House of Commons, and for instructing the commissioners of Danish claims to inform the public "that they are authorised to examine claims for losses sustained on account of the seizure of ships and cargoes by the Danish Government in 1807."

Among the minor fiscal matters of the session, a motion of Mr. Gillon's for the repeal of the soap tax may be mentioned. It was opposed by the Chancellor of the Exchequer, on the ground that the revenue would not bear so great a reduction as the motion involved.

Lord Sandon moved, as an amendment to it, that the duty be reduced one third—a proposal al-

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most equally unpalatable to Mr. Spring Rice. His protestations on the subject seem to have shaken the resolution of Lord Sandon, who was on the point of waving his proposition, when the House,

clamorous for a division, drove him to push his amendment to the vote, when it was, however, lost, by a majority of 166 to 78. The original motion was then put and negatived.



## CHAPTER X.

*Mr. Pryme's Bill for the Abolition of Grand Juries in England—Debate and division—Lord John Russell's Bill respecting the Courts of Quarter Session—Bill for the Abolition of Arrests for Debt on mesne Process—Introduced to the House of Lords by the Lord Chancellor—Referred to a Select Committee—Lord Chancellor's exposition of the measure—The Bill passes both Houses—Bill for the Recovery of Tenements after the determination of the Tenancy—Mr. Sergeant Talfourd's Bill for giving Mothers a right of access to their Children—Severity of the existing Law defended by Sir E. Sugden—Arguments in its favour—Difficulties in the way of altering it—Sir E. Sugden's objections to Sergeant Talfourd's proposal—The Bill passes the Commons after several Divisions—Lord Lyndhurst introduces it to the House of Lords—Lords Brougham and Wynford oppose, and the Lord Chancellor advocates it—Rejected on the Second Reading—Division—Protest against the rejection, signed by Lords Holland and Lyndhurst, and the Duke of Sutherland—Mr. Sergeant Talfourd's Bill for extending Copy Right to Authors—Debate on the Second Reading—Analogy between Literary and Mechanical Invention—The Chancellor of the Exchequer supports the Bill—Mr. D'Israeli's Speech—Argument illustrated by cases of Gibbon—Southey—Sir Walter Scott—Substance of arguments against the Bill—Division on Second Reading—Lord John Russell speaks discouragingly of the Bill—Lord Brougham's project for empowering the Privy Council to extend Copy Right—International Copy Right Act passed during the Session—Registration of Electors Bill—Lords Amendments—Lords Reasons—Bill Lost—Lord Harewood's Motion on appointments to the Magistracy in the West Riding—The Lord Chancellor defends himself—The Duke of Wellington condemns the Lord Chancellor's system of appointing Magistrates—Lord Wharncliffe's Motion on the same subject—Motion in the House of Lords on Appointments to the Edinburgh Magistracy—Earl of Haddington—Lord Chancellor's explanation—Lord Lyndhurst—Argument in the House of Lords on*

*the Constitutional mode of appointing Sheriffs in Ireland—Lord Lyndhurst condemns the practice of the Government—Lord Mulgrave's defence—Lord Brougham—Lord Plunkett—Lord Abinger—Marquess of Clanricarde's Amendment adopted—Lord Denman and Lord Brougham—Marquess of Londonderry's Motion on the Irish Magistracy.*

ON the 28th of November, 1837, Mr. Pryme moved for leave to introduce a bill for the abolition of grand juries in England and Wales, as being useless, and, in many cases, an obstruction to justice. The proposal was seconded by Messrs. Warburton, Aglionby, Maule, and Wakley. The Attorney General said, that without wishing it to be supposed, that he considered grand juries to be one of the best institutions of our criminal jurisprudence, he could not support the motion, since there was little chance of carrying such a bill, as was proposed, through the House; and, moreover, Mr. Pryme had not suggested any substitute for the institution which he desired to abolish.

Sir Robert Peel defended the present system, which operated as a powerful check upon the committals of magistrates. And he stated his belief, that its abrupt abolition would be attended with the most inconvenient results. He remarked that most of the arguments which had been adduced against grand juries were equally applicable to petty juries.

The motion was decidedly negatived by a majority of 196 to 25.

On the 1st of March, Lord John Russell obtained leave to bring in a bill affecting the jurisdiction of the Courts of Quarter Sessions. The noble Lord stated that, in consequence of recent alterations in the law, the number and importance of the offences now brought before those courts were much aug-

mented; while there existed no certain rule, by which cases within their jurisdiction could be distinguished from such as ought to be tried at the assizes. He proposed, therefore, in the first place, to classify offences with a view to remove the present uncertainty on the subject.

Lord John then proceeded to say that, amongst the other changes made in the law, was that which allowed the counsel for prisoners charged with felony to address the court in their behalf. This rendered the situation of the chairman of Quarter Sessions one of increased responsibility, since it exacted both readiness of mind and knowledge of the law to enable them to appreciate the arguments of counsel on either side, and where necessary, to guard the jury against undue impressions. A circumstance, which taken together with a proposal, which he should presently make, for assembling the sessions every six weeks, instead of quarterly, induced him to think that it would be for the public convenience to secure the services of persons of legal education as salaried chairmen of these courts; more especially as he further proposed to transfer to the jurisdiction of these tribunals the cognizance of suits for 10*l.* and under.

The plan seemed to meet with the concurrence of the House, and the bill was read a first time.

One of the greatest innovations in the law, which signalized the present session, consisted in the

abolition of imprisonment for debt, on mesne process. The general question had for some years occupied the attention of Parliament, and several bills, differing in their provisions, had been framed and discussed from time to time, without obtaining the final sanction of the Legislature. In the last session, a bill passed the House of Commons, but at too late a period to admit of its discussion in the Upper House. The Lord Chancellor brought the subject before that assembly on the 5th of December, on moving the second reading of a similar bill. The general principle of the measure was not disputed, but so many defects were discovered in its details by Lords Brougham and Lyndhurst, that it was thought advisable to refer it to the consideration of a select committee.

It was not until the 12th of June, that the Chancellor again presented his bill, as altered and improved by the committee. In its original shape, it had embraced imprisonment for debt, in both stages of a suit; namely, execution as well as on mesne process. It was, however, the opinion of the select committee, that the total abolition of arrest in execution could not be resorted to without great danger.

The Lord Chancellor, in his exposition of the measure, stated that the bill would empower creditors to get possession of various descriptions of property, which were at present exempt from execution. In the first place, it extended the remedy of the writ by *elegit* to the whole of the profits of the estate, whereas under the old law, no more than a moiety could be taken under this process, which however might be repeated indefinitely by a

succession of creditors. This bill authorised the Sheriff to seize cash, bank notes, and bills of exchange; and under the authority of a judge's order, and with certain restrictions, stock in the public funds would be rendered available to the creditor.

These, and similar provisions, were framed for the purpose of doing justice to the creditor, by enabling him, if possible, to obtain payment out of his debtor's property. And having effected this object, it seemed right to abolish imprisonment on mesne process entirely. But it then became necessary to provide for the event of the creditor finding no property within his reach, belonging to the debtor, after obtaining judgment in an action, though the debtor might notwithstanding possess the means of paying the debt. The latter, for instance, might hold property in the foreign funds, or might transfer it to such securities, before judgment. To prevent fraud, therefore, as well as to afford complete justice, it was necessary to secure to the creditor who had obtained judgment the right of seizing the debtor's person in certain cases. The bill, moreover, authorized a judge on the creditor's application, to issue a warrant to restrain a fraudulent debtor from leaving the country, before he had surrendered his property. The remaining portion of the bill was devoted to the renewal, with amendments, of the Insolvent act, which was on the point of expiring.

After some comments from Lords Brougham and Abinger, both of whom though commending the measure, as far as it went, still thought it incomplete, though on different grounds, the bill was read a

third time, and passed. Some alterations, not affecting its main features, were introduced on its passage through the Commons, and it finally became the law.

We may here state that a very useful act passed the Legislature, in the course of the Session, for the purpose of facilitating the recovery of possession of tenements after the determination of the tenancy. It empowers any two justices, at petty Sessions, in certain cases after proof given of the due determination of the tenancy, and of the refusal of the tenant to surrender possession, to issue their warrant to the peace officers of the place, directing them to enter (by force if needful) upon the premises, which are unlawfully held over, and to give possession of the same to the landlord, or his agent. Such entry to be made not less than twenty, and not more than thirty days from the date of the warrant. The provisions of the bill, however, only embrace premises held at will, or for less than a term of seven years, and which are let for less than 20*l.* a-year, without the reservation of a fine.

Mr. Sergeant Talfourd, in the course of the Session, renewed his endeavours to obtain a mitigation of that severe principle of our law, which while it entitles the father to the undisputed custody of his children, from the hour of their birth, gives him the further power of debarring the mother, if he chooses to do so, from all communication with her offspring; and of compelling her to resign possession of them, in case she has contrived to obtain it.

“As it stands at present,” said the learned Sergeant “the law is entirely in favour of the husband,

and oppressive to the wife. A man who may be drunken, immoral, vicious, and utterly brutalized, may place his wife in this dilemma, ‘you shall continue to live with me, or you shall be deprived of your children.’ It may be admitted that she has just grounds for complaint, that it would be misery for her to live with her husband, that she possesses her children’s affection, and that the husband on the other hand utterly disregards them; all this may be admitted, but the law sternly refuses to listen to the pleadings of natural sympathies, and denies to the mother even the sight of her children.”

Certainly it must strike every one, on a first impression, as an extremely harsh rule of law, which refuses to circumscribe, under any circumstance of tyranny or misconduct on the part of the husband the dominion of the father. But it finds favour with the lawyers, and Sir Edward Sugden really rose into eloquence, when he pleaded against any relaxation of its rigour. This learned Gentleman, as well as the other advocates of the existing system, resist the claims of the wife upon grounds almost as revolting to our feelings, as the system itself. The true question, say they, to be decided is, whether it be for the benefit of society at large, that the rule should be relaxed. At present you have a hold upon the wife, who will consent to any hardship, and submit to almost any outrage, before she takes a step, that may cost her the society of her children. But remove this bond, and ill-assorted couples will fly asunder in every direction, and separations be multiplied, which the policy of our

law, and the genius of our social system alike reprobate. Maternal affection is the only guarantee against such an evil; and is so far a legitimate instrument for the promotion of public policy, and domestic morality.

On the other hand, it is strongly contended that the present system is an outrage on human nature, and that the policy must be detestable, which seeks avowedly to assure by such means the subjugation of woman. At the same time, it must be allowed, that it is not easy to devise a palliative, far less a remedy, for the evil. The details of the learned Sergeant's bill were such, as would have been difficult to carry into effect with success. It empowered any of the judges, upon the mother's application, to grant her an order to see her children. The judge in each instance determining upon the affidavits made in the case, whether or not this mandate should be issued. And any one judge might, in his discretion, vary, or repeal the order of another. Sir Edward Sugden exposed a few only of the inconveniences, which would ensue, in the following lively strain. There would said he be no end to the litigation over which the judge would have to preside. Facts would be asserted and denied. The friends of the parties would only aggravate the discord. The servants would be brought forward, one half to swear one way, and the other half another way. Incontinence would be charged on one side, adultery on the other; and all this on affidavit, without personal, or cross examination of the parties; and the case might go the round of all the judges in law and in equity. Thus he said the bill

opened a scene of litigation in families, which was perfectly frightful.

The bill passed the Commons, by large majorities, though it was contested, at almost every stage of its progress. On the third reading the numbers were, Ayes 60; Noes 14: Majority 46.

Lord Lyndhurst undertook to conduct it through the House of Lords, and moved the second reading, on the 30th of July. Lord Brougham however exerted himself as the champion of the existing system, supported by Lord Wynford. And although the weight of the Lord Chancellor's authority inclined towards the principle of the bill, the motion for the second reading was rejected by a majority of eleven to nine. Lords Holland, Lyndhurst, and the Duke of Sutherland afterwards entered a protest against its rejection.

Another favourite measure of Mr. Sergeant Talfourd's is a proposed extension of the period of copy-right. At present, the exclusive property in his works is vested in the author, or his assigns, for an absolute term of twenty eight years, prolonged during his life time, if he survive. Mr. Talfourd, himself eminent in the literature of the day, proposed to enlarge the term to sixty years. The bill which he introduced for this purpose, was discussed with much animation in Parliament, and excited a lively interest out of doors. In general, it met with resistance on the part of publishers, printers, and bookbinders, and political economists; while men of letters, as might be expected, pressed for its adoption.

Mr. Sergeant Talfourd moved the second reading of th

bill, on the 25th of April. His argument set out with an admission which was hardly calculated to help his case. He said he perfectly agreed with the publishers in the evidence given in 1818, that the extension of time would be a benefit to only one author in five hundred, and that they were then about to legislate for that five hundredth case. Why not? he asked; it was the great prize which, out of the five hundred risks, Genius and Goodness win. Granted that only one author in five hundred attain this end; does it not invite many to attempt it, and impress on literature itself a visible mark of permanence? What was the suggested injury to the public? That the price of books would be enhanced to the great prejudice of the community. But even supposing that to be the consequence, if justice required the sacrifice, it ought to be made. The community have no right to be enriched at the expense of individuals. But he denied that there was ground for this apprehension. The existence of the copy-right would not increase the price of the work, because whoever engaged the monopoly would be enabled to supply the article at a cheaper rate, when a single press was employed to print all the copies, instead of the presses and establishments of competing publishers.

But continued the Sergeant, similar apprehensions were entertained in 1813, when the publishers themselves claimed and obtained an extension of copy-right to twenty-eight years. Had then the number of books diminished since that time? Had the prices increased? Had the printers and bookbinders suffered from want of

employment? Had the profits of the booksellers failed? The contrary was notorious. But then it was boldly asserted that authors themselves were indifferent to the measure. True it was that the greatest living writers had not thought it befitting the dignity of their cause to appear as petitioners at the bar. But there were few who did not feel the honour of literature embarked in the cause. Mr. Wordsworth, emerging for a moment, from his retirement, had publicly declared his conviction of its justice. And Mr. Lockhart had stated his belief, that the total emancipation of Sir Walter Scott's estate from its encumbrances depended upon the success of this bill.

The measure was opposed by Mr. Hume, who stated the simple question to be, whether a copyright of twenty-eight years duration was a sufficient privilege to induce an author to devote his talents to the instruction or amusement of the public? Every man of talent ought to derive a fair advantage from the exercise of his ability—the inventor of a machine, as well as the author of a poem. And men who made steam engines ought to be placed on a footing with those whom it was the object of this bill to protect.

But, it may be remarked, that the analogy here asserted between literary works and mechanical invention is evidently false. The distinction was well put by the Chancellor of the Exchequer, who spoke in favour of the bill. By conferring upon a patentee an immortality of his patent, you would be giving him what was useless. One invention supersedes another with the greatest rapidity, and what was valuable in 1830, became obsolete in 1837. The learned



sergeant himself also had previously disposed of this objection, with some ingenuity of reasoning, however florid the garb in which he dressed his argument. "In cases of patent, the merits of the invention are palpable, the demand is usually immediate, and the recompense of the inventor in proportion to the utility of his work, speedy and certain. In cases of patent, the subject is generally one to which many minds are at once applied; the invention is often no more than a step in a series of processes, the first of which being given, the consequence will almost certainly present itself, sooner or later, to some of these inquirers; and if it were not discovered this year by one, would probably be discovered the next by another. But who would suggest, that if Shakspeare! had not written *Lear*, or Richardson *Clarissa*, other poets or novelists would have invented them. In practical science every discovery is a step to something more perfect; and to give to the inventor of each a protracted monopoly, would be to shut out all improvement by others. But who can improve the masterpieces of genius? They stand perfect, apart from all things else, self-sustained, the models for imitation, the sources whence rules of art take their origin. And if we apply the analogy of mechanical invention to literature, we shall find, that in so far as it extends there is really in the latter no monopoly at all, however brief. For example, historical or critical research bears a strong analogy to the process of mechanical discovery, and how does the law of copyright apply to the treasures it may reveal? The fact discovered, the truth ascertained, becomes at once

the property of mankind—to accept, to state, to reason on; and all that remains in the author is the style in which it is expressed. No one ever dreamed that to assume a position which another had discovered, to reject what another had proved to be fallacious, to stand on the tableland of recognized truth, and start from it anew, was an invasion of the author's right. How earnest has been the thought, how severe the intellectual toil, by which the noblest speculations in the human mind and its destiny have been conducted! They are the beatings of the soul against the bars of its clay tenement, which, if baffled in the collision, attest at once, by their strength and their failure, that it is destined to move in a wider sphere. And yet the products of divine philosophy melt away into the intellectual atmosphere which they enrich and become the dreams and the assurances of others! So that the law of literary property of necessity accommodates itself to the nature of its subject, when the work is properly a creation, leaving it preserved in its entirety; when it is mere discovery, rendering the essence of truth to mankind, and preserving nothing to its author but the form in which it is enshrined."

Sir Robert Inglis, Mr. D'Israeli, Mr. Milnes, Mr. Williams Wynn, and Lord Mahon expressed their concurrence in the object of the bill; contending, that the present system did not provide a sufficient remuneration for authors. It was said, indeed, that the necessary consequence of extending the period of copyright would be a rise in the price of books. That, said Mr. D'Israeli was an objection to be decided by an appeal to facts.

He would take six standard works of the present age, and six of a similar stamp of the productions of the last generation, and he could shew that the modern works were offered to the public 100 per cent. cheaper than the older ones. He would further remind the House, that though Mr. Gibbon received 6,000*l.* for his history, this sum only just equalled his disbursements in the collection of books of reference for the purpose of writing it. Mr. Southey had projected a history of the monastic orders; but found himself, in the existing state of the laws affecting literary property, obliged, from the consideration of what was due to his family, to abandon that great work.

The solicitor-general, Mr. Pryme, Mr. Ward, Mr. Grote, the Attorney-general, Mr. Jervis, Sir Edward Sugden, and Mr. Warburton opposed the bill. They argued, that, if it had any effect at all, it would only narrow the circle of the public, amongst whom literature would circulate. That it would be no benefit to authors, because they dispose of their copyright for a sum in hand, and their families might still remain exposed to the consequences of their proverbial improvidence. That the booksellers would not give higher prices for unpublished works than they do at present; as they could not afford to invest more in a copyright privilege of sixty years, than of fourteen. That the property in literary works was divisible between the public and the author, for though the one produced the thing, it only derived its value through the co-operation, and under the sanction of the other. Finally, that it was not a question of abstract right, since this sort of property was at

present entirely founded on statute law.

Many of these objections consisted of general assertion, or vague anticipations, and were encountered by corresponding statements on the other side. But the argument that would assign part of the property in a literary composition to the public, as furnishing the *mind* necessary to give it value, is equally applicable to any species of manufacture; for it is clear enough, that without consumers no article can be pronounced valuable. As to the remark, that there was no abstract right of property in copyright, it is unquestionably true; but we conceive that there is no kind of property which is not open to the same observation. "All property," observed the Chancellor of the Exchequer, "is the creation of the law, justified by the principle of usefulness. If then there is any general utility connected with the recognition of this particular species of property, it becomes as much entitled to the protection of the state, as any other."

The bill was admitted to a second reading by the slender majority of 39 to 34.

The House then divided on a proposal made by Mr. P. Howard to refer the bill to a select committee, which was negatived by 38 to 31.

On the 6th of June, Lord John Russell, who had been silent on the subject, during the two long discussions to which the bill had been submitted, surprised all parties, by declaring himself unfavourable to it in its present state, and by throwing out a hint, that it would be better to defer legislation upon the subject, until it had been reconsidered. The discouraging attitude assumed by the

noble lord, who it will be recollected is himself an author of some volumes, was fatal to the farther progress of the bill, which did not get beyond the committee.

Towards the close of the session, the subject was taken up by Lord Brougham, in the House of Lords. He proposed to enable authors, or their assignees, by application to the judicial committee of the privy council, to obtain an extension of time, when their copyright was about to expire. This plan, which, as his lordship observed, had already been adopted with respect to patents, is, however, open to obvious objections. We have heard of "tribunals of criticism," but this would be the first instance in which the term will be applicable in a literal sense; and a judicial body be required to pronounce solemnly upon the merits of a play, or novel, or poem, after argument heard on both sides.

A bill for "securing to authors, in certain cases, the benefit of international copyright," passed the legislature in the course of the session. It empowers her Majesty in council to direct that the authors of books, published abroad, shall have a copyright here, provided there be a reciprocal protection in favour of this country, in the state in which such publications first make their appearance.

It should not be omitted, that a bill for amending the present faulty system of registering parliamentary electors was discussed in both houses during the session. In its passage through the upper house, it received several amendments, to all but two of which the Commons assented. Of these two, the one proposed to measure the distance of seven miles from a borough, in a straight line, or as the crow

would fly, instead of taking the nearest road; the other declared, that trustees, not having a beneficial interest in property, should not be entitled to vote.

The nature of the question involved in these points will be understood on reference to the "Lords reasons" for insisting on their amendments, which we subjoin in the note.\*

A bill was this year brought in by Lord Denman, which aimed at a considerable alteration in the practice of administering oaths, in courts of justice. It was divided into two parts, the first being framed with a view to declare and restore the common law of England, which allows any person who offers to speak the truth, according to the form binding on his conscience, to be admitted as a witness. Such an enactment was rendered necessary by reason of certain difficulties, which existed

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\* The Lords insist on their amendment in press 28, line 5, to which the Commons disagree, because they consider it to be the strict legal interpretation of the words of the Reform Bill; because those words having been so interpreted in numerous instances, parties now legally possessed of votes would be disfranchised by allowing the distance to be measured in a different manner, and because it appears to the Lords to be expedient, in determining a right of franchise, to adopt a limit which will remain invariable, and not one liable to change by the alteration of a road, the building of a bridge, or by any of those improvements in the internal communications of the country which are daily taking place.

The Lords insist on clause B, added by their Lordships to the said bill, to which the Commons disagree, because they are of opinion that it was never intended to give in the Reform Bill a more extended right of voting to mortgagees and trustees than they before enjoyed; because, unless a man is in

not less than four times, with Lord Harewood himself, in reference to the commission of the peace, and to all those communications the noble Earl had returned courteous and satisfactory answers.

With respect to the district alluded to, he could only say that he had been made acquainted with the deficiency in the number of magistrates in Leeds, by a petition numerously signed. He had exercised his best discretion, and taken all possible pains in soliciting the individuals appointed, and had acted in the matter with the greatest deliberation.

The Duke of Wellington said, that he did not stand in that House to dispute the *right* of the noble and learned Lord to act as he had done; what Lord Harewood and himself complained of was the *mode* in which the power was exercised. He had discharged the duties of Lord-lieutenant of his county for twenty years, and he could tell the Lord Chancellor that the practice, which he had pursued at Leeds, was not that of other noble and learned Lords who had held the seals before him; after some severe comments on certain appointments already made in the magistracy, and upon the quarters from which the Chancellor was in the habit of seeking for information on the subject, the Duke remarked, that he asked nothing more, than that the magistrates might be, as was required by act of Parliament, gentlemen of wealth, worth, and consideration, educated for the bar, where such could be found, and above all associated with the gentry of the county. He did not think that any Lord-lieutenant inquired into the political opinions of persons previous to recommending them

to the Lord Chancellor; but that noble and learned Lord was very much mistaken, if he thought, that were the Lord-lieutenant to take up any person from the street, and place him on the bench, the magistrates of the county would choose to risk their reputations, by consenting to act with him.

Lord Holland said, he believed no such attack as the present, had been made upon a Lord Chancellor, since the time of Lord Somers; when something of the same sort took place, and from a similar quarter.

On the 17th of July, Lord Wharncliffe renewed the attack, by moving for the production of communications made to the Lord Chancellor from any person at or near Leeds, respecting the insertion of certain names in the commission of the peace, for the West Riding of Yorkshire. The noble Lord complained that the Lord Chancellor "*doctored*" the commission of the peace, in a very unwarrantable manner, and hinted that he was guided in his selection of magistrates by the recommendations of persons who were merely actuated by party objects.

The Lord Chancellor vindicated himself in a speech of great length, and distinctly denied that, in this, or in other parts of his duty, he had inclined to any one political party, or had appointed none but persons entertaining political opinions similar to his own, to offices of the kind in question. It was his duty, he admitted, to take care that a fair proportion of persons belonging to either party, was placed on the Commission of the Peace.

After a few words from the Duke of Wellington, expressive of

his dissatisfaction of the course pursued by the noble and learned Lord, Lord Wharncliffe withdrew his motion.

However successful the Lord Chancellor may have been in his vindication of himself, in this instance, he was less so in a subsequent one, (August 10th), when the constitution of the Edinburgh magistracy was brought under the consideration of Parliament.

It was the Earl of Haddington who on this occasion challenged the conduct of the learned Lord, and, it must be admitted, made out a very strong case against him. The noble Earl's statement was, to the following effect. An addition of 91 persons had been made to the magistracy of Edinburgh, giving, with the already existing number, 187 justices for a population of 150,000 persons. Of the 91 last appointed, 87 were notoriously Whigs or Radicals, and only 4 Tories. Of the entire magistracy, 100 were what were called merchants, though the greater part of these were merely shop-keepers of a respectable class. And of these, 14 only were conservatives. In a city containing a great number of bankers, the commission contained the names of but three of that class, one of whom only was a Conservative. Of twelve advocates, included in it, only two were Conservatives. Of the entire 155, exclusive of those who were justices, by virtue of offices held by them, (and who, being mostly connected with the town-council, entertained the same opinions as the Government) 25 were Conservatives, and 130 Whigs and Radicals.

The Lord Chancellor said, in reply, that he had no personal knowledge of the facts of the case.

A list had been submitted to him by the Lord Provost, in the preceding November, and he had inserted the names contained in it, in the commission of the peace. In so doing, he had acted on the recommendation of the Lord Lieutenant of the county of the town of Edinburgh.

Lord Lyndhurst made the very obvious remark that the practice of the Lord Chancellor seemed to vary with the politics of the Lord Lieutenants. Where the Lord Lieutenant was a Conservative, as had happened in the West Riding, the most minute enquiries were made, and his recommendations were but partially adopted after all; while many names were introduced in disregard of his expressed desire on the subject. But when they went to Scotland, and to a county, where the Lord Lieutenant happened to be a Whig—what did they find to have taken place there? The list, as forwarded, was adopted without enquiry; and most improper and disreputable persons were placed on the Commission in consequence.

On the 25th of June, the House of Lords was the theatre of a great and important constitutional argument, occasioned by a motion of Lord Lyndhurst's, with respect to the appointment of sheriffs in Ireland. By the ancient law of England, the appointment of these officers was vested in the freeholders of the county; but as inconveniences arose from this practice, it had been enacted so early as the reign of Edward 2nd, that the sheriffs should be chosen by the Chancellor, Treasurer, and Barons of the Exchequer, and the Judges. By another act, passed in the reign of Edward 3rd, it is

sity of the case, have been placed in abeyance.

It was, on the other hand, maintained by Lord Plunkett, who followed Lord Brougham in the debate, that, previous to the statutes of the Edwards, and even up to the passing of Poyning's Act in 1495, the Crown had claimed, and exercised the right of appointing the sheriffs in Ireland. At an early period, a large proportion of the land in that country was divided into Palatines; and the Palatines, in right of the Crown, appointed sheriffs. But as to the right of the judges to interfere, no such thing was ever heard of in Ireland, up to Henry the 8th's time. But then arose the question whether Poyning's law had not transferred the statutes to Ireland? and on this point, Lord Plunkett admitted that he spoke with less confidence. He appeared to hint, that even in England, in the earlier ages, the right of the freeholders to nominate the sheriffs was probably by sufferance only, and that the Crown throughout had, at least, a dormant claim. Now the English statutes only deprived the people of the power, without affecting the right of the Crown, which remained untouched. When, therefore, the statutes in question were imported into Ireland, by virtue of Poyning's law, the rights of the Crown in that kingdom were not affected one way or the other, and the nominations continued to be made by the Government. It did not appear, that the judges claimed the right in dispute, until after the Restoration. But that practice was soon disturbed, and all sorts of irregularities ensued.

What then was the effect of  
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Sir R. Peel's measures, or at the suppression of what did he aim? Was it the nomination of the Crown, the misconduct of the judges in their appointments, or the abusive practice of one sheriff nominating his successor? None of these; it was merely the jobbing of the county members, that Sir Robert Peel, co-operating with Sir John Newport, proposed to restrain.

The noble and learned Lord then entered into some of the details of particular appointments, and concluded, by saying, that he was quite ready to share, with Lord Mulgrave, the responsibility of whatever had been done in the matters in question.

Lord Abinger said, that a case for inquiry had been clearly established; while the Lord Chancellor contended, that so far from its having been demonstrated that the Irish judges had a right to be consulted on the subject, the proof was all the other way. And the noble and learned Lord pointed out some circumstances, of no great weight apparently, which he thought might make it impossible that the practice of the two countries could be identified. For instance, the law of England required, that the judges should meet for the purpose of appointing sheriffs in the Exchequer Chamber, with the two heads of that branch of the public service, the Treasurer and Chancellor. Now, the former of these offices had been abolished; and it was not likely that the Chancellor of the Exchequer would give his attendance in Ireland with a view to prick for sheriffs.

Lord Clanricarde brought the discussion to an amicable conclusion, by proposing an amendment,

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which struck out so much of the motion as indicated any particular period of time. Thus removing all appearance of censure from Lord Mulgrave, and giving the proposed inquiry a general character.

Lord Melbourne said he had no objection to this mode of disposing of the subject, and Lord Lyndhurst acquiesced willingly in the proposed arrangement.

Lord Denman remarked, that, in his opinion, it would be desirable to extend the inquiry to England; for the law, in that respect, was exceedingly uncertain and ill defined.

For this declaration, the noble chief justice was severely rated by Lord Brougham, who said, that not only would such an extension as he had suggested defeat the inquiry altogether, but that, with the greatest respect, he was bound to state, that it was no light matter for a chief justice of England, without looking at the laws on the subject, to declare that there was nothing so uncertain as the law of England respecting the matter in question. His noble and learned friend, he said, seemed to think it desirable to "send the whole legal question of the appointment of sheriffs to sea."

The Duke of Wellington congratulated the House on the turn which the discussion had taken. Had the question gone to a vote, he should have supported Lord Clanricarde's amendment.

The Duke of Richmond, at the close of the debate, remarked, that the practice in England was far from satisfactory. He should be glad if they could, by means of this inquiry, secure a good system for Ireland, which might

eventually be extended to England.

The debate on the question of the Irish sheriffs was shortly afterwards followed by a motion, on the part of the Marquess of Londonderry, for papers connected with the magistracy of that country. The noble Marquess, in the speech with which he prefaced his motion, charged the Earl of Mulgrave with partial and arbitrary conduct in his mode of dealing with the commission of the peace; and cited a variety of instances in support of his allegation. The noble marquess dwelt particularly on the number of Protestant clergymen that had been omitted in the new commissions of the peace issued since the demise of his late majesty.

Lord Mulgrave, who, at the coronation, had been elevated to the rank of a marquess, with the title of Normanby, defended himself with his accustomed spirit. He admitted that he was disposed to omit clergyman in general from the commission, as thinking that there was little affinity between the duties of the ecclesiastic and the magistrate. Even in England there was a very strong feeling, that it was desirable, whenever it was consistent with the due administration of justice, that clergymen should be relieved from magisterial duties. With regard to the particular cases of malversation mentioned by the Marquess of Londonderry, his lordship proceeded to shew, that they were not of the character alleged, but admitted of the fullest justification when fairly considered.

The motion for papers was not opposed, and the subject dropped, not, however, before the Earls of Wicklow and Glengall had taken

occasion to censure the precipitation with which the new commissions had been made out, no time having been given to the lords-lieutenant of the different counties to make their reports, although

they had been applied to by the government for information, and had, consequently, employed themselves in making the requisite inquiries.

## CHAPTER XI.

*Unpopularity of the New Poor-law—Means taken to inflame the people against it—Opinion of the Educated Classes in favour of the Measure—Lord John Russell obtains a Select Committee to enquire into the operation of the Poor-law—Mr. Fielden's Motion for a Repeal of the New Law—Discussion on the Subject—Mr. Harvey moves the previous Question, which is negatived, as well as the Original Motion—Bishop of Exeter presents a Petition to the House of Lords, relative to the "Dudley Dietary"—Discussion on the subject—Lord Radnor's Speech and Calculations—Report of the Poor-law Commissioners—Their indisposition to relax the rigour of the System, and their Reasons—Migration from the Southern Counties to the Northern—Results of the Severe Winter—Progress of the New System—Inconveniences from the Unions Incorporated under "Gilbert's Act"—Mr. Tufnell's Report for Kent and East Sussex—Decrease of Beer-shops—Distress of Hop-growers—Cases of Faversham and Queenborough—Labourers' Balls—System pursued by the Unions in Kent during the winter—Savings Banks and Benefit Societies—Mr. Steven's Report—Mr. Fielden's Motion relative to the Hand-loom Weavers—Combinations of Workmen—Remarks on Trades-unions—General details of these Associations—Inaugural Ceremonies—Tyranny—Prohibit task-work—Connected with High wages and times of Prosperity—Trial of the Glasgow-cotton spinners—The two Indictments—Convicted on the Minor Charges—Lord Brougham and Mr. Wakley bring the matter before Parliament—Mr. Wakley moves for a Committee—Mr. O'Connell's Speech and account of the Combinations in Ireland—His Amendment—The Chancellor of the Exchequer's Amendment—Committee Appointed—Factory Children—Remarks upon the Question—Lord Ashley—His New Bill—Opposed by Ministers—Sir R. Peel's Speech—Bill lost—Lord Ashley's Resolution on the Subject—Lord John Russell's Speech—Mr. Hume—Resolution lost—Beer Bill—Lord Brougham's proposed alteration of the Law regulating the Sale of Beer—Duke of Wellington admits that the System introduced by him is a failure—Lord F. Egerton brings the subject before the House of Commons—The Chancellor of*

*the Exchequer, Mr. Hume, Mr. Warburton, Mr. Hawes, and Mr. Wallace defend the present System—Mr. Pakington, Lord Dunnington, Mr. Darby, and Mr. Brotherton condemn it — Mr. Aglionby and Mr. Parrott declare against any change—Report of the Pension-list Committee.*

**T**HE New-Poor-law was exposed to a severe trial, in the year 1837-8. The distress attendant upon a winter of uncommon inclemency, was aggravated by the high price of corn, and by the depression of the manufacturing and trading interests. And it appears also from the report to which we shall presently advert, that in some parts of the country, local and temporary causes unfavourable to the labourer were in operation. Under these circumstances the resistance, which the persons commissioned to enforce the law had to encounter, was becoming progressively formidable. The violation of vested rights which, it was contended, the measure involved, no less than the hardships which it inflicted, was a theme, on which the promoters of agitation expatiated in language which it is needless to characterize, but which found too ready an echo among the masses to whom it was addressed. In the northern parts of the country, more particularly, these appeals to the passions of the exasperated populace were answered by violence and outrage, and a new field for sedition was opened for demagogues, who sinking all ordinary party topics, avowed no other design than the abolition of the new Poor-law. For that object they invited the co-operation alike, of Whigs, Tories, and Radicals.\*

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\* The following are specimens of the eloquence employed by the anti-poor

Few of those who were appealed to, upon such occasions, stopped to question the fictions, or to sift the exaggerations which were as industriously circulated as they were greedily received; few thought of considering whether the alleged sufferings of the poor were exclusively produced by a particular system, rather than incidental to the universal condition of society, as it now exists. The enormous abuses of the old order of things were either forgotten, or unknown, and the great moral results, at which the advocates of the new law, are steadily aiming, were of course unintelligible to the many.

At the same time, as we have

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law demagogues. A certain *rev.* Mr. Stephens, at a meeting at Manchester, spoke in the following strain—"If this bill were established it should be eye for an eye, tooth for tooth, wife for wife, child for child, man for man, and blood for blood." At Stockport on the 6th of February 1838 the same reverend person related the following story. A man, whom he had never seen before, had come to him from an agricultural district, and told him that he was seeking for work, but that he would not be separated from his wife, and that he had a knife ready for any guardian who should attempt to part his wife and himself. At Rochdale the same individual said, "If it were right to confiscate the property of the people, by abrogating the 43rd of Elizabeth, it would be right for the poor to take a dagger in one hand, and a torch in the other, and do the best for themselves."

Mr. Oastler and Mr. Feargus O'Connor were in the habit of addressing similar language to the populace.

harsh, was applied, and the issue was, that not a single able-bodied labourer would accept relief.

Mr. Tufnell then makes the following curious statement:—  
“Large sums in charity were given away in the isle of Thanet, during the snow, yet during that period, the circumstance of *two labourers balls* at least being given, came to my knowledge; and one pauper in receipt of out-relief actually gave a ball. In Romney marsh, I found, that the wife of a man receiving relief attended a ‘grand fancy masquerade ball,’ at which the tickets were either 3s. or 4s. In one parish in Kent, the surveyor was unable to clear the roads of the snow, on account of a considerable subscription raised to relieve the poor; the observation of the men being, ‘why should we work, is not the subscription for us?’”

“Most of the unions in this district, steadily adhered to the principle of refusing out-door relief to able-bodied men, during the winter, being well convinced that to depart from it, in a very few cases, would have the effect of throwing hundreds out of service, who were retained by their employers, solely by the operation of this rule. At the conclusion of the severe weather, the chairman of the Bridge union, consisting of twenty-two parishes, addressed a letter to the respective overseers, requesting to be informed of any instances of real distress within their parishes. All denied the existence of any, with the exception of one, who without alleging any particular case, thought that on investigation, some might be found.”

Mr. Tufnell then mentions, that the deposits in Savings’ Banks, as well as the number of members of

benefit societies, exhibit a considerable advance, since the new system came into operation. In particular, in the Tunbridge Wells Savings’ Bank, there is an increase of 200 per cent. of the depositors of the class of agricultural labourers, in the period between 1831 and 1837, there being 46 in the former and 137 in the latter of these years.

Mr. Stevens, the Assistant Commissioner for the counties of Rutland, Leicester, Derby, and Stafford, states in his report, “that, although in former years in the parish of Burton-upon-Trent, out of a population of 5,000, there have been fifty or sixty able-bodied men chargeable at a time; during the last severe winter, there was not a single application to the guardians for relief from any able-bodied man of that parish.”

We have thought it desirable to extract the preceeding statements, as being entitled to attention, when compared with the vague generalities and exaggerations which are rife throughout the country. They, indeed, require to be received with some allowance: and are not, of course, introduced here, with any other purpose, than as affording a partial illustration of what the advocates of the system are desirous of effecting, as well as of the nature of their reasons for contending, that the immediate hardships inflicted upon the poor, by the rigorous execution of the law, are by no means so considerable as many humane and conscientious persons suppose. One great error of the opponents of the measure seems to consist, as we have before hinted, in their confounding evil, which proceeds from general causes, and which partial remedies can only aggravate, with that which may be distinctly traced

to a particular source, and may be considered to be super-added to the unavoidable quantity of human misery. It is apparent, that the Poor-law Commissioners not only entertain a strong assurance of ulterior success, but, that they do not conceive that the poor, are in the mean time, sufferers by the experiment to any considerable extent.

It may, however, be suspected, that they are sometimes apt to sink the importance of particular cases, in their appreciation of general results; and for this reason we scarcely concur with them in the hint which they throw out respecting the inexpediency of too frequent Parliamentary enquiry into their proceedings.

The session was not permitted to pass away, without its due series of painful and unsatisfactory discussions, on subjects connected with the state of the manufacturing population. Mr. Fielden, the member for Oldham, whose opinions upon such matters are rather more benevolent, than sound, brought the condition of the hand-loom weavers under the consideration of the House, before the Christmass recess. The nature of the hon. Gentleman's views will be sufficiently understood from the terms of his resolution, part of which we subjoin.\*

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\* "That the work which a portion of these weavers execute consists of articles indispensibly necessary for the personal comfort and convenience of the higher and middle classes of society, or of articles exported to other countries, in exchange for luxuries for the use of these classes; that it is, therefore, the interest and duty of the representatives of the people in this House, immediately to devise and enact such laws, as shall raise the wages of the hand-loom wea-

The motion was seconded by Mr. Hesketh Fleetwood, in a few general observations, after which a somewhat desultory discussion ensued. The extreme distress of these poor people was admitted, on all sides. But as the demand for their labour has been superseded by the use of machinery, it is difficult to see what relief, consistent with sound principle, can possibly be afforded to them by the legislature. And such was the feeling of the House upon this occasion. It however furnished several hon. Members with an opportunity of declaiming against the corn-laws, as aggravating the pressure upon the mechanic to an intolerable extent.

The House divided, when the motion was rejected by 73 to 11.

Our readers are aware, that it is only of late years, that combinations of workmen for the purpose of regulating the rate of wages and other matters connected with the employment of labour, have been permitted by law to exist. Formidable as these confederacies are, it is unquestionable, that it would require very strong grounds of public expediency to impeach the right of the labourers to establish them, however systematic they may be, in their scheme, and however injurious, in their general tendency, to the freedom of commerce. So long, therefore, as these "unions" are satisfied with such results, as they can attain,

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vers to a scale adequate to maintain them comfortably, or else so to reduce the taxes imposed upon the necessities of life, and to alter the mode of collecting those taxes, as that no part of wages paid to these weavers, abstracted from them by either direct or indirect taxation, further than be necessary for the exigencies of the state."



without resorting to violence and intimidation, it seems desirable to leave them free from any further control, than would flow from the common principles and practice of the laws in their ordinary course.

But such is the subtle activity of the principle which regulates the price of labour, in common with other commodities, that it can only be resisted, and then not permanently, by measures of the most coercive character. Consequently among the humbler classes of the community, physical violence is almost invariably resorted to for this purpose. In the more educated circles of society, and where moral and social considerations are paramount, the mere force of opinion is found adequate to the desired end. This may be exemplified by reference to what passes amongst members of the legal profession, where it is, we believe, understood, that no barrister, without a compromise of professional character, can accept less than a certain rate of remuneration, regulated by long usage, for his services to his client, according to their nature. Thus the principle of competition is entirely banished; and if members of the bar may occasionally be found to violate the *tariff*, it is only, we may presume, covertly, and by stealth that they venture upon a practice, which the opinion of the profession to which they belong, has denounced to be in a high degree disreputable. Yet the rule in question, rigidly as it is observed, is merely conventional, and enforced by no more powerful sanction, than is involved in the censure of a small circle of individuals.

But it is very different with the ruder classes of society. Neither their wants nor their passions

would, for an instant, acknowledge so feeble a check, as we have been describing, nor are their sensibilities of the kind required to give it due effect. The promoters, therefore, of the confederacies under consideration, find themselves compelled to carry their designs into effect by the instrumentality of much coarser means. Terror becomes the main foundation of their authority. Like all secret associations, they begin by the institution of certain mystic and superstitious rites, which not only impose upon the imagination of their neophytes, but give a dramatic interest to their proceedings, and a dignity to their lawless schemes. Thus it appears, that the apartments in which their nocturnal conclaves assemble, are often, on occasions of especial solemnity, decorated with battle-axes, drawn swords, skeletons, and other *insignia* of terror. The ceremony of inauguration itself, is said to partake of a religious character. The officials of the society are ranged on either side of the room, in white surplices; on the table is the open bible. The novice is introduced with his eyes bandaged—prayers and hymns are recited—and certain mystic rhymes pronounced; after which an oath is administered, of which the imprecatory form, may be easily conceived,\* and the new member, his

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\* The following passage is extracted from an oath said to have been administered by the combined spinners in Scotland, in 1823. "I, A. B., do voluntarily swear in the awful presence of God Almighty, and before these witnesses, that I will execute with zeal, and alacrity, as far as in me lies, every task or injunction, which the majority of my brethren shall impose upon me, in furtherance of our common welfare; as

eyes being again bandaged, is led out.

The ordinances of these societies are usually enforced by violence, and too frequently assassination has been resorted to by their emissaries. When a "*strike*" has been determined upon in any factory, the avenues to the building are invested, and regular picquets, consisting of men who are strangers to the neighbourhood, are stationed by night and day, to intercept the arrival of fresh workmen, and to take care that no one enters or quits the establishment, without serious molestation. Though nothing can exceed the illegality of such proceedings, they are generally conducted with impunity. The most profound secrecy attends the operations of the association, and their measures are so well concerted, that it is alike impossible to arrest their execution before-hand, or to identify the parties, after an outrage has been committed. Contributions to very large amount, are of course levied on behalf of the unions, since in the event of a "*strike*" the workmen must be supported, not to mention the ordinary disbursements of the association, which are considerable.\*

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the chastisement of "*knobs*," the assassination of oppressive and tyrannical masters, or the demolition of shops, that shall be deemed incorrigible."

\* We subjoin an outline of the constitution of the Union of the stuff and worsted operatives, for which, as for some of the previous details, we are indebted to a work published in 1834, under the title of "*The character, object, and Effects of Trades - Unions.*" For the purposes of this union, the country was divided into "*districts*," each of which was again subdivided into "*lodges*," Every district elected a governing committee, and also sent dele-

The unions have not always confined themselves to the regulation of the rate of wages. In many cases their leaders, when elated by success, and intoxicated by power, have issued their edicts in mere caprice and wantonness; interfering with the general management of factories, and imposing upon both masters and men regulations alike ruinous and absurd. Any infraction of such ordinances, however unintentional on the part of the masters, is visited by a severity proportioned to the power of the union. Thus it will sometimes happen in a factory, that, while every thing seems to be pursuing its ordinary course, a signal is given, and the men at once, without alleging a grievance, will leave their work. A manufacturer has been known to be punished by a "*turn-out*" of eight days, because he had discharged a workman for negligence, and removed a superintendant from one department of the establishment to another.

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gates to what was called the "*grand lodge*," which met twice a year. At the assembly of the "*grand lodge*," the "*grand committee*," consisting of seven members, was elected, and which was alone invested with the right of deciding upon *strikes* when the object was to *raise* wages; to prevent reductions merely, the district authorities might order the men to stop work. The delegates to the grand lodge were paid 3*s.* 6*d.* daily, besides their dinner, when they belonged to the district in which the lodge held its sittings; and 5*s.* with their dinner, besides a rate of travelling expenses, varying with the distance from home, when they were sent from other districts. Each member of the union paid 1*s.* entrance, and 3*d.* weekly, and was entitled to receive, when he struck work, a weekly allowance of 1*s.* for a wife, and the same sum for each child under ten years of age, that was unemployed.

One of the peculiar features of these societies is their hostility to task or piece work, and their consequent discouragement of superior skill and industry. "The man who does task work," says a writer, in one of their periodical prints, "is guilty of less defensible conduct than a drunkard. The worst passions of our nature are enlisted in support of task work. Avarice, meanness, cunning, hypocrisy, all excite and feed upon the miserable victim of task work. A man who earns by task work 40s. per week, the usual wages by day being 20s., robs his fellows of a week's employment." One Union actually had upon its books a rule, which provided for the expulsion from the society of any member who should "be known to boast of his superior ability, as to either the quantity or quality of work, he can do, either in public or private company."

Two other curious circumstances are observable in the history of trades-unions. They are scarcely ever resorted to, except by those who habitually receive high wages; and they almost invariably make their appearance when trade is prosperous. We may give two striking instances under the former of these heads. Fifty-two mills, and thirty thousand persons were thrown out of employment for ten weeks at Ashton, in 1830, by the turning out of 3000 "coarse spinners," who could clear at the time from 28s. to 31s. a-week. The year before, the "fine-spinners" in Manchester struck work, to the number of 1000, refusing employment at from 30s. to 35s. a-week.

Nevertheless, as might be expected, the misdirected struggles of the "working classes," as they

delight to call themselves, have been productive of results the very opposite to those proposed as their aim. And some of the most valuable and ingenious machines, in use, actually owe their existence to the pressure of trades-unions upon the capitalist, who naturally seeks, through the intervention of mechanical labour, to emancipate himself from the thralldom we have been describing. A spinning machine has, we believe, been invented, which actually performs its functions without the assistance of a spinner, and is said to promise the entire extinction of the very trade which has hitherto furnished one of the most formidable combination of the whole number.

The cotton-spinners of Glasgow have long been noted for the violent and arbitrary proceedings of their confederacy. Early in January, five individuals connected with this body were indicted at Edinburgh, on counts charging murder, attempts at arson, and conspiracy, besides other grave offences of a similar character. The crimes, of which these men were accused, were supposed to be committed in execution of the mandates of one of the associations just described. After the commencement of the proceedings, the counsel for the Crown thought it expedient to abandon the original indictment, and to arraign the prisoners upon another, in which, in addition to the original counts, three new ones were introduced, charging the prisoners with conspiracy, illegal combination, and with writing threatening letters.

The trial was protracted from the 3rd to the 11th of January, and excited the most lively interest amongst all classes in the south of

Scotland. For the Crown, no less than 91 witnesses were summoned, and 58 for the defence.

The evidence disclosed some curious, though revolting, details of the practices and formidable organization of the cotton-spinners Union of Glasgow. The jury, however, by a majority of one (unanimity not being required by the Scotch law), found the prisoners guilty of the minor charges alone, which, as we have already stated, were only introduced in the second indictment. So that they would have been acquitted altogether, had they been tried on the first indictment. The more serious articles of the indictment, including murder, being declared "non-proven." The sentence passed upon the offenders was seven years transportation.

There was much in these judicial proceedings, that, in the opinion of Lord Brougham and Mr. Wakley, required animadversion and correction, and accordingly they brought the subject under the consideration of Parliament, in their respective houses. They contended, that not only was the alteration of the indictment irregular and oppressive, but that the punishment inflicted was utterly disproportioned to the offence brought home to the prisoners, more particularly as they had been detained in gaol five months before trial.\*

In the House of Commons, Mr. Wakley, on the 13th of February,

moved for a select committee to inquire into the constitution, practices, and effects of the association of operative cotton-spinners of Glasgow and its neighbourhood.

To this Mr. O'Connell moved, by way of amendment, for a select committee to inquire into trades' unions and combinations generally, in the united kingdom. The speech with which the learned gentleman prefaced his motion, deserves notice, as being pregnant with interesting details of the operation of the combination system in Ireland. He remarked, in the first place, an error into which not only Mr. Wakley but the learned ex-chancellor in the other house, seem alike to have fallen, in supposing that the act to which we have adverted in the note, limits the punishment of the offences in question to three months imprisonment. Whereas the persons made punishable by the act, are only those who may have been convicted before the magistrates, under summary process, and without a jury. An indictment for conspiracy would be tried in the usual manner, and conviction be followed by a much heavier punishment.

Mr. O'Connell then proceeded to say, that there was no tyranny equal to that which was exercised by the trades-unionists in Dublin over their fellow-labourers. He had in vain wished to convince these people of the wickedness and impolicy of their proceedings. He had interviews, hour after hour, with the deputation from the various trades, and had seldom met with men of more ability, information, or skill, in putting forward their own views. He had also challenged public discussion, and two assemblies had been held for

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\* Under the English law, two magistrates have the power of punishing, by three months imprisonment and hard labour, persons convicted of an assault in connexion with the purposes of a Union, with a right of appeal to the sessions.

the purpose, but in vain, for the workmen, by a concerted interruption, had rendered it impossible to proceed with the business of the day. They refused to hear him; and without denying that they had been violating the law, they expressed their determination to persist in their system of outrage.

The hon. and learned member then proceeded to detail some of the more prominent regulations of the combination. One of their main rules was to limit the number of apprentices. Another prescribed a minimum rate of wages, so that the best workman received no more than the worst. Another part of their system was directed towards depriving the masters of all freedom in their power of selecting workmen. The names of the men being inscribed in a book, and the employer compelled to take the first on the list.

Mr. O'Connell then related some instances displaying the prejudicial effects of combination on the manufacturing industry of the country. Cotton printing had been established at Belfast by a Mr. Grimshaw, who employed 107 persons in his service. But, in consequence of the tyranny of the combination, which insisted peremptorily upon an equalization of wages, he was compelled to abandon his business. In Bandon, another large manufactory was opened, and the proprietor obtained an important contract. He bought the machinery, and as soon as it was erected, his men *turned out* for higher wages, telling him that they knew he had the contract, and that he was, therefore, in their power. He worked out the contract, and then gave up the manufactory; and the loss to the town of Bandon in wages was between 10,000*l.*

and 12,000*l.* a-year. It was calculated that wages to the amount of 500,000*l.* a-year were lost to Dublin by these associations. The combination of tailors in that city, for instance, had raised the price of clothes to such a pitch, that it was worth a person's while to go to Glasgow, and wait a couple of days for a suit, the difference in the price paying the expences of the trip. In the same city there were formerly four ship-builders; now not a single ship was constructed at the Dublin docks.

Mr. O'Connell then adverted to the murders and outrages committed by stipendiary assassins, acting under the authority of the Unions, and concluded, by saying, that he had no wish to re-enact the old combination laws. Some combinations were not only harmless, but meritorious; and his aim would be to separate Unions of this kind from those of a pernicious character.

The Chancellor of the Exchequer, after paying some high, and not unmerited compliments to Mr. O'Connell, for the course he had pursued with respect to this subject, proposed a second amendment, which did not differ materially from that of the member for Dublin. He moved for a select committee to inquire into the operation of the 6th of George the 4th, and into the general constitution of trades-unions, and also of the combinations of workmen and masters in the United Kingdom.

Mr. Wakley expressed himself well satisfied to leave the question in the hands of her Majesty's ministers, and Mr. Spring Rice's motion was agreed to.

Another distressing feature in our overgrown manufacturing sys-



tem is presented by the necessity of employing children in factories. It will be remembered, that a few years (1833) back, the subject engaged a large share of attention both in and out of Parliament; and, in the issue, a bill was framed, with the most benevolent intentions, for the protection of factory children. It is, however, to be feared, that the evils complained of, striking as they are, must, in a great degree, be inseparable from a manufacturing population. Such part of them, possibly, as are assignable to the cruelty and tyrannical conduct of the masters and overseers, may admit of considerable correction. But when the legislature undertakes to limit the hours of labour, making it penal to work children for more than a stated period, according to their age, it at once disturbs the whole course of manufacturing industry. "Short time," as it is called, involves short wages to adults. For ten hours' labour men will not receive the wages of twelve; and yet the working of the mills must be interrupted whenever the children connected with them are discharged from labour.

It is, moreover, against the parents of the children, as well as against the mill-owners, that such philanthropists as Lord Ashley have to contend. The law excludes from factory labour all children under nine years of age, excepting silk mills; and prohibits those under thirteen years from working more than forty-eight hours in the week, or more than nine hours in any one day, except, as before, in silk mills, where ten hours a day are allowed as the maximum. But, since there is nothing for which the parents are more anxious than to get employ-

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ment of this kind for their children, and they resort to all manner of devices, not scrupling to commit the grossest frauds, in order to evade the law, it, of course, must constantly happen that, notwithstanding the vigilance of the medical men, whose certificates are required before a child can be admitted into a factory, the provisions of the act are violated in this respect, and children, under the legal age, condemned to toil at the mill.

Lord Ashley, however, the unwearied advocate of the factory children, in common with other enthusiasts of his class, cannot be persuaded that it is futile to attempt to restrain, by partial and empirical acts of legislation, evils which are derived from general causes, seated at the very heart of our social and political system. And he ascribes it to the ill faith, or, at least, to the negligence of the government, that the protective act of 1833 has fallen short of the purpose for which it was designed.

Accordingly, on the 22d of June, the noble lord moved, by way of amendment, to the order of the day, the second reading of a bill for the more efficient regulation of factories, and the prevention of the abuses complained of.

The bill was opposed by Lord John Russell and Mr. P. Thomson. Sir Robert Peel, in the course of some observations deprecatory of the constant agitation of the subject, avowed that he was no advocate for the plan of the noble Lord (Ashley), and had never taken the popular view of the subject. He then proceeded to condemn ministers for the faltering character of the policy which they were pursuing upon this

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it was almost impossible to over-rate the mischief which accrued to the people from the beer shops. Most of the crime, that was committed in the country, was concocted in these receptacles of vice, and there was not a respectable labourer in the country, who did not set his face against them.

Mr. Slaney admitted the increase of crime in the country, but was not inclined to think that a remedy would be found by returning to the former monopoly of the sale of beer. But the present system he thought required regulation.

Mr. Aglionby contended that the evil if it existed, was confined to the rural districts. In the large towns, the free trade in beer was found to be attended with great advantage to the people.

The select committee, to which, as we have mentioned in our last volume, it had been referred to enquire, "how far the pensions charged on the civil list, and consolidated fund respectively, ought to be continued, regard being had to the just claims of the parties, and to economy in the public expenditure," made its report, at the end of July. The result of its investigations would appear to establish, beyond further dispute, that the clamour raised against the Pension-list was quite disproportionate to the degree of actual abuse. It was found, that of the whole number of pensioners, a very large class had a valid claim upon the public, for services, either extraordinary in their nature, or insufficiently remunerated upon the established scale of reward. In other cases, the pension was nothing more than a commutation of a legal allowance, whether in favour of the claimant himself, or

conferred upon some necessitous relation, to whom he had been permitted to assign his rights. While in others again, the grant both in its amount and with regard to its object was purely charitable, a circumstance, which at least, when these pensions were bestowed, was not deemed to constitute an objection, whatever may be the opinion prevailing now. On the other hand, all that the committee was able to effect, in the way of saving, was a reduction of about 9,000*l.* composed of pensions either actually rescinded, or voluntarily resigned by the parties themselves.

In order to facilitate the proceedings of the committee, a circular letter had been addressed by the Chancellor of the Exchequer to the persons entitled to civil-list pensions. In this he expressed to the parties concerned, "not only his willingness, but his anxiety" to be favoured by them with any information they might think it desirable to forward to the committee, through himself.

Some of the answers, which were received in reply to Mr. Rice's circular, are published in the appendix to the report. One of them in particular we are tempted to subjoin, in a note. It represents, in all probability, the feelings and circumstances of a large class of the persons who were assailed by these proceedings; and from the simple pathos of its language, it attracted a great deal of attention.\*

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\*"Vienna, 11th January, 1838.

"SIR,—Living, on account of the smallness of my income, in the most retired manner at the above place, I have nothing to offer in justification of the liberty I take in addressing you, but

We think, that with perhaps the exception of the impregnable Member for Kilkenny, no Gentleman upon the committee could have perused the letter in question without emotion. It was in a similar manner, that the daughters of the illustrious Rodney were dragged

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the information I have received through the medium of the newspapers, that all of that despised and degraded class called pensioners are desired to send to you, Sir, as Chancellor of the Exchequer, an account of their several claims to the pensions they have hitherto received. Taken it then for granted that I am rightly informed, I beg your patience to the enforced recital. My father, the hon. General Lucius Ferdinand Carey, commanded at the taking of the Island of St. Lucia from the French, in the year 1780, and died of his wounds on the day of its capture. The pension which was granted to his daughters was not obtained through the favour of any Minister, but was given by the voice of Parliament, and the consent of our ever respected Sovereign George the Third: it consisted of 80*l.* each, and was bestowed as some small remuneration for the incalculable evils which fell upon a family of infant daughters by the loss of a father just as he became able to provide for them—by the loss of a father's protection and all the comforts of a father's house. Nor did the wide-spreading evil end here: the neglected, almost as if (by high and rich connexions) unacknowledged children, in process of time became patronless young women, without friends, protector, or introduction; and, to make the measure of their affliction quite full, were deprived of their rank as viscount's daughters, by the premature death of their parent, and left to wander about the world in helpless degradation, and something nearly allied to want. I must not, however, suffer this melancholy enumeration to make me forget that which I must ever remember with gratitude; viz. that this pension, which in these dear times furnishes me with little more than daily bread, and obliges me, to obtain that, to live in banishment, was yet the means of procuring me that religious and solid education, adapted to my fortunes, which has enabled me to

before the committee, to plead for their slender annuities.\*

In fact, this painful document abounds with the like instances, in which the venerable descendants of some hero of ancient, and now traditionary wars, were brought in the attitude of supplicants to the bar of the committee. And assuredly, could we forget the nature of the occasion, we might feel an agreeable interest in the sudden reappearance of names, belonging not merely to a former generation,

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bear up against all the sorrows of them. I have indeed enjoyed it long, perhaps the gentlemen of the Committee will think too long; but that has been the will of God, and not my fault: and it is true that, as it is my only resource, I should be glad to retain it if I can be allowed so to do with honour and without reproach, and to receive it with that dignified thankfulness with which the daughter of an usefully brave British officer, may accept a national testimony of her father's deserts. But if this cannot be, and his services are considered as having been long remunerated, why then, Sir, I can cheerfully resign that which I shall hope may lessen the distress of some younger and weaker child of affliction: and being, by God's blessing, able, both in body and mind, to seek my own subsistence in the education of the children of some more fortunate family, as I was obliged to do in Mr. Pitt's time, when the pensions were at times four, five, or six quarters in arrears, I may, perhaps, find an answer to the quarterly question of my mind, whether such wages as I should then receive for my honest service were not more honourable than the degrading reception of a pension so grudgingly bestowed. Leaving this weighty matter, under your sanction, in the hands and choice of the gentlemen of the Committee, I beg leave to subscribe myself,

"Sir, your obedient humble Servant,  
"LAVINIA MATILDA CAREY MORTIMER,  
"Aged 67"

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\* Two sums of 240*l.* and 88*l.*

but associated in the mind with an extinct system, which it is pleasing to find still connected by living links with the existing order of things. Thus we find in this list a Mary Brereton, aged 89, whose pittance of 40*l.* is the reward for the services of a relative at the once celebrated reduction of Manilla; and in like manner, the gallant defence of Jersey, by Major Pierson, is recalled to our recollection, by the apparition of his three aged sisters, as surviving pensioners of the State. The entire catalogue contains 700 names, with some comment, or other, appended to each, varying in quantity from one line to three pages. These consist of old memorials of services, such as officers send in, when soliciting preferment, of extracts from gazettes, official letters, or the warrant granting the pension: of letters addressed to the committee by the parties themselves: or of the brief, though vague conjectures hazarded by the committee itself, in default of something better.\*

The committee close their report with a series of recommendations framed with a view to preclude the possibility of future abuses. They suggest that, in the case of all future civil-list pensions, the warrant should set forth distinctly the motive of the grant. That, wherever pensions are granted for services to persons,

other than the very individual by whom those services were rendered, the difference (if any) between the value of the respective lives should be taken into consideration, and a deduction made, where the actual recipient is the younger person. That, wherever pensions are granted, as acts of Royal bounty for the relief of distress, it should be distinctly provided, that such grants should cease, when the circumstances of the parties no longer required their continuance. And that, under no circumstances, should the mere combination of poverty with hereditary rank of the peerage be considered as a justification of the grant of a pension.

It is a curious feature in the report, that the committee publish the minutes of their proceedings, giving the numbers on their divisions whenever a difference of opinion prevailed among them with respect to the proper mode of dealing with any particular pension. We may remark that, throughout these contests, the Chancellor of the Exchequer and Mr. Hume were uniformly antagonists. Witnesses were examined, as well as documents, but the nature of the evidence required, or given, does not transpire.

It should be mentioned, that long previous to the appearance of this report, namely on the 9th of April, the Chancellor of the Exchequer had moved, "that 33,500*l.* be granted to her Majesty, for the payment of those pensions held by persons, at the demise of the Crown, which if regranted, would become due on the 5th of April, and which were charged on the civil-list of his late Majesty, or on the consolidated fund." This application was founded on a re-

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\* We find the following dry notice of the too celebrated General Arnold. "*Arnold, James Robertson, and William Fitch*; ages 57 and 44.—162*l.* Sons of the late General Arnold who had received several wounds in the service, and had been crippled for life. General Arnold had also suffered losses in consequence of the results of the American war."

commendation of the committee, and was intended to provide for the pensions which had become due, pending the enquiry; without prejudice, however, to any ulterior decision which might affect the future existence of any on the list. Mr. Rice remarked that the committee in suggesting that no pensions should be re-

granted, until the conclusion of their investigations, deemed it at the same time expedient and just, to advance to the parties the payments which might accrue in the interval.

The motion was opposed by Mr. Harvey, but was carried without a division.

## CHAPTER XII.

*History of John Thom, alias Sir William Courtenay—His proceedings in Kent—Convicted for Perjury—Declared Lunatic, and sent to the County Asylum—Particulars of his Release and Reappearance in Kent—Debates in Parliament on the Subject—Explanations of Lord J. Russell, and Sir Hussey Vivian—Sir E. Knatchbull obtains a Select Committee—Lord Howick proposes to strike out Four Members from Sir E. Knatchbull's List—Altercation between Mr. Praed and Mr. E. Bulwer—Divisions on Lord Howick's Motion—Lord John Russell moves the re-appointment of a Committee on Church Lands—Opposed by Mr. Liddell, who moves Two Amendments—Mr. Hume—Mr. Goulburn's Speech—Sir R. Peel—Two Divisions—Act for abolishing Pluralities, &c.—Act empowering Clergymen to be Members of Joint Stock Companies—Lord Aberdeen's Motion with respect to the Church of Scotland—Lord Melbourne's Speech—Archbishop of Canterbury—Continuance of the Bishopric of Sodor and Man—The Bishop of Exeter's Attack upon the Church Commission—Church Discipline Bill—Bishop of Exeter's violent opposition to the Measure—The Archbishop of Canterbury's vindication of the Bill—It is withdrawn—Grant to the Dissenters objected to by Radical Members—Lord Brougham's Education Bill—Compulsory System excluded—Condition of Schools at present existing—He proposes a Public Board—Its Duties—Local Boards—Difficulties connected with Religion—Constitution of Local Boards—School Committees—Education Qualification—Religious Instruction—Mr. Slaney's Motion for a Select Committee on Education—Mr. Wyse's Motion for an Address to the Queen relative to Education—His Scheme—Central and Local Boards—Mr. Hume supports the Motion—Mr. Colquhoun asserts the Superiority of the "National" to the Dissenter's Schools—Mr. Slaney—Lord John Russell's Explanation of the Policy of Government on the Question—The Chancellor of the Exchequer's Strictures on the "National," and "British and Foreign Societies"—Division—Motion negatived.*

**I**N another part of our volume, resulting in a melancholy catastrophe, which occurred in the neighbourhood of Canterbury, will be found a detailed account of some strange disturbances

the end of May, and to which a very brief reference here will be sufficient. A few years back, an individual, a native of Cornwall of the name of John Nicholls Thom, abruptly left his home and made his appearance in Kent, where he was not long in becoming a very conspicuous personage. Having exchanged the name of John Thom for the more euphonious one of Sir William Courtenay, knight of Malta, he commenced a practice of parading his naturally fine and commanding person before the admiring people, clad in rich and extravagant costumes, and pouring forth streams of exciting and most persuasive eloquence. The populace attracted by his romantic appearance, and fascinated by his singular talents, flocked around him with the wildest enthusiasm, while even the superior classes of society furnished him with occasional partisans. In the year 1833, he became a candidate for the representation of the city of Canterbury, and actually polled 950 votes on the conservative interest. But not long afterwards, he was found to be implicated in a transaction, which resulted in his conviction for perjury, and was sentenced to six years transportation. It was then that more decided symptoms of insanity exhibited themselves; and in conformity with the act 9 George 4th he was removed from Maidstone gaol to the county lunatic asylum, where he remained in confinement for four years. At the expiration of that period, in October 1837, Lord John Russell, in virtue of a power conferred on him as Secretary of State by the same act, thought proper to direct that he should be delivered up to his

friends, upon their engaging to take charge of him.

It should seem, however, that the parties to whose keeping the unfortunate man was confided, ill discharged their duty; and he reappeared in Kent, in the Spring of 1838. His conduct was now more extravagant than ever, and the infatuation of the peasantry, whom he literally enchanted by his eloquence and his personal accomplishments, was proportionate.

To his political pretensions he had now added others of a religious character; and his claims to a divine mission, and even to divine attributes, were implicitly recognized by the deluded multitude, who, apparently scarcely less insane than himself, acknowledged him without hesitation to be another Messiah.

For the particulars of the conflict between the military and the peasants, with which this strange tragedy terminated, the reader is referred to the second part of the volume; but it is expedient to notice, in this place, the parliamentary discussions which naturally arose out of this disastrous business.

By an unlucky coincidence, it happened that Thom's liberation from the Lunatic Asylum was concurrent, in point of time, with the last general election; and was, moreover, obtained through the mediation of Sir Hussey Vivian, one of the successful candidates for the county of Cornwall, on that occasion. On this account, it was more than insinuated in the House of Commons, that the father of the lunatic, who was one of Sir Hussey's voters, had certain obvious reasons for making an application for his son's release at that particular period.



The subject was taken up in the House of Commons, by Sir E. Knatchbull, in a speech reflecting upon the misconduct of the Secretary of State for permitting so dangerous a person to be at large; and he referred, in a very pointed manner, to Sir Hussey Vivian's share in the transaction, and moved for a select committee to inquire into all its circumstances.

Lord John Russell, in reply, seems to have made a satisfactory defence. After shewing that he had not exceeded his authority, or stretched the prerogative of the Crown, in ordering the liberation of the lunatic, he proceeded to detail the particular circumstances of Thom's case. The parents of that individual had waited upon him while at Endsleigh, in Devonshire, to solicit their son's release. He remembered, he said, little of the interview, except that the father was an old person, in a respectable situation in life, and and having the appearance of a farmer. They were both greatly distressed at their son's confinement, and assured him that no danger was likely to arise from his discharge.

This interview took place in August; and the order for Thom's release was not made till October. In the mean time, a correspondence on the subject ensued between Sir Hussey Vivian and himself; but he could assure the House that the matter had never been mentioned in connexion with the Cornwall election, nor had Sir Hussey Vivian ever adverted to the political opinions of either the father or the son. Having made some enquiries concerning the nature of Thom's case, of the visiting magistrates of the asylum, he was

referred by them to a medical certificate, dated the 8th of September in that year, which merely stated that the man was a lunatic, fancying himself a knight, and claiming an estate and a castle.

The unhappy person was therefore discharged, his father engaging to take due care of him; but, instead of doing so, he delivered him over to the keeping of a person named Francis, a friend of the lunatic's, and no wise fit for the charge. The noble Lord then concluded by strongly condemning the attempt which was made, on the other side of the House, to give a party character to the proceedings.

Sir Hussey Vivian declared, upon his honour, that it was only within that week, that he had heard how Thom, the father, voted at the last election. The application, which he had made for the son's release had, he most distinctly stated, no connexion whatever with the election for Cornwall; and he entered into some details in corroboration of that assertion.

Mr. Turner said that he had been personally acquainted with Thom, the son, for twenty years. Being at one time engaged in large mercantile transactions in Cornwall, he had, for many years, employed that individual in his service, and found him faithful, honest, and zealous.

A singular occurrence attended the nomination of the committee for which Sir E. Knatchbull had moved. Lord Howick objected to some of the gentlemen proposed by the right hon. Baronet, as entertaining rather "stronger and more eager opinions in politics," than befitted persons

deputed to investigate a transaction of so delicate a complexion. He thought, he said, that the committee should be composed of men of high station and experience—men in whose character and judgment even their adversaries placed confidence. Under these circumstances, and in the absence of any disposition, on the part of Sir E. Knatchbull, to make the least concession, he had been under the painful necessity of presenting a counter-list to the House. He did not propose to alter the relative strength of parties, in the committee, and was content that there should be seven from the ministerial, and eight from the opposition side of the House. But, as this was no light and ordinary charge which had been made against Lord John Russell and Sir Hussey Vivian, he asked, in common fairness, that the eight gentlemen selected from the other side should be persons who united, as far as it was possible, the confidence of all parties. He particularly hoped that Sir Robert Peel would consent to be placed on the committee. He added, that there was one hon. member in particular, on Sir E. Knatchbull's list, who did appear to have his feelings strongly excited on this subject; he meant the member for Aylesbury (Mr. Praed.) There were others, also, on the same list, who either appeared to be very strongly actuated by party feelings, or who were of less experience, and less station in the House, than those whom he proposed to substitute for them.

The noble lord concluded by saying, that his list omitted the names of the Earl of Lincoln, the

Marquis of Chandos, Mr. Praed. and Mr. Darby, and substituted those of Sir R. Peel, Sir T. D. Acland, Sir R. Inglis, and Mr. R. Clive.

It could hardly be expected that the members thus broadly stigmatized, could submit in silence to Lord Howick's strictures. Mr. Praed was the first to protest against what he stigmatized as "the superfluous, gross, and unnecessary affront put upon the members to whom the noble lord had alluded."

He was followed by the Marquis of Chandos, who declared that he should fail in his duty to himself and to his constituents, if he were for a moment, after the insinuation which the noble lord had presumed to throw upon his character, to hesitate in requesting Sir E. Knatchbull to withdraw his name.

Mr. Darby having spoken to the like effect, and Lord Howick having disclaimed any intention of throwing "the slightest imputation" on the gentlemen whose names he proposed to omit, Sir Robert Peel rose for the purpose of expressing his determination not to serve upon the committee under such unusual circumstances. He was of opinion that the honour of any man might, with safety, be entrusted to the four members in question; and he exhorted them not to countenance Lord Howick's objections, by refusing to serve.

Sir H. Hardinge (one of the members originally proposed) Mr. R. Clive, and Sir R. Inglis, expressed their desire to be excused from serving on the committee.

Lord Howick's conduct, upon this occasion, was certainly of a character likely to be extremely

offensive to the gentlemen upon whose competency, as judges in a court of honour, he thus pronounced sentence; and there seems to have been nothing in the manner or language of the noble lord which was calculated to soften down the harshness of such an unusual proceeding, even supposing it to have been, under the circumstances, in itself justifiable.

But Lord Howick's demeanour rises into forbearance and actual courtesy, when compared with Mr. E. Lytton Bulwer's, who permitted his excited feelings to betray him into a strange and utterly unprovoked attack upon Mr. Praed, and which, moreover, was quite extraneous to the matter under discussion. Mr. Bulwer accused the member for Aylesbury of having formerly entertained opinions the reverse of those he at present maintained; insomuch that, when at college, he had celebrated the 30th of January by a calf's head dinner. This was distinctly denied by Mr. Praed, and an altercation ensued between the honourable members, which shortly proceeded to such a height as to compel the interference of the Speaker to prevent ulterior consequences.

The House divided on Lord Howick's motion, which was carried by a majority of 124 to 94.

The next division was on the proposed substitution of Sir Thomas Acland for Lord Lincoln. And although Lord Howick admitted that he had not obtained the hon. Baronet's consent to be on the committee, a courtesy usually practised in such cases—Sir Thomas was appointed by a majority of 134 to 104.

After a similar fashion, and in spite of the right hon. Baronet's

reiterated refusal to serve, Sir Robert Peel was nominated in lieu of the Marquess of Chandos, by a majority of 131 to 112.

The discussions on the ministerial project for creating a fund for the payment of church rates, by increasing the value of ecclesiastical property, will be found to occupy a considerable space in our preceding volume.\* The reader will recollect that the deliberations of Parliament in that instance, resulted in the appointment of a committee to ascertain the probable amount of any increased value which might be obtained by an improved management of Church property.

Lord John Russell, on the 3rd of May, moved the re-appointment of a committee for a similar purpose. He estimated the net revenue of the Church of England at 3,439,767*l*. It was, he said, calculated that this income would admit of a considerable increase. With respect of the disposal of such additional revenue, when obtained, he and his colleagues held it as a fixed principle that it ought to be devoted to a purpose clearly and intimately connected with the church. Many hon. Members were of opinion that such a fund ought to be applied to the education of the people. The Government, on the contrary, would prefer to dedicate it to a purpose which nobody could deny was connected with the church, viz. to the repairs of the fabric of the church itself. But it was, he observed, at that moment, unnecessary to discuss or decide what should be the eventual application of the anticipated fund,

and he meant to confine himself to two points, the one, that some change in the system of leasing church lands was necessary, and that an enquiry with that view would be proper; the other that the most advantageous mode of enquiry would be by a select committee of the House of Commons.

The noble Lord then entered into details to shew that the present system of managing church property was improvident and unsatisfactory; and that the funds of the church were often disposed of in a way neither conformable to their original purpose, nor desirable for the spiritual interests of the country. He had little doubt but that by proper arrangements an annual surplus of 300,000*l.* might be secured.

Mr. Liddell observed, that Government had been stimulated to stir this mischievous question, and unsettle men's minds and properties, by the clamour of persons strongly their supporters, but little distinguished as the friends of the church. The church of Durham, was the great object of their ap-  
petency. It had, indeed, rich possessions, but its charities were in proportion. It had, also, crying wants; many of its existing cures were grossly underpaid, and many new churches were requisite, for which there were no adequate means of endowment. To make up an average annual income of only 300*l.* for each church, in that one diocese, would alone require an additional revenue of 21,000*l.* a-year. Lord Howick had assigned, last year, as a reason for the prevalence of dissent in that diocese, the dissatisfaction arising from the frequent collisions which the large mass of ecclesiastical property in Durham was apt to occa-

sion between the church and the lessees. That was but an unworthy reason; he could suggest a better in the state of the collier population settling on spots which till the discovery of the minerals beneath them had been lonely wastes, and increasing rapidly, apart from all means of spiritual instruction.

The hon. Gentleman concluded by moving a direct negative to Lord John Russell's motion; with an intimation, that, should the motion for a committee be carried, he should then farther move the addition to it of the following words, "with the view of applying such amount to the gradual diminution of the evils which flow from the deficiency in the means of religious instruction and pastoral superintendence by ministers of the established church."

Mr. Hume asked Mr. Liddell if it was just and proper to put his hands into the pockets of the dissenters, and rob them of their property, in order to maintain a church from which they conscientiously dissented? There was every inducement for men to belong to that church; honours and emoluments were connected with it. Was it fair, then, to compel those, who being almost equal in number to the members of that church, had withdrawn from its communion, and made a sacrifice of its secular advantages, to contribute to the support of the edifices which they never entered? "Robbers of the church, indeed!" exclaimed the hon. Gentleman, "why all history proves that if there are any robbers of the church, they are to be found within its own fold—the bishops themselves had been its greatest spoliators."

Mr. Goulburn observed, that

ministers complained of the general imputation cast upon them of having a disposition to invade the property and to misappropriate the revenues of the church. This certainly was the prevailing opinion, and he confessed that the manner in which Lord John Russell was proceeding, was well calculated to give it currency. The noble Lord might flatter himself that he was maintaining the amount of church property; but he was in effect diminishing its security by converting the dignitaries of the church into the holders of rent charges upon estates, which were at present their own. Not to mention the gross invasion of the rights of the church by depriving it of all future increase of its revenues.

The right hon. Gentleman then went on to contend that the religious necessities of the country called imperatively for an additional supply of the means of instruction, and of affording the ministrations of the church. Would ministers hesitate, he asked, between providing a million of the population with religious instruction, and relieving the dissenters from the payment of 50,000*l.* a-year?

He would tell the noble Lord what course Government ought to take. If they deemed the management of the church property to be capable of improvement, let them come down and propose to parliament, on their own responsibility, the measures which they might think necessary. But from this they shrunk, having neither courage nor ability for the task; and they preferred to throw the enquiry upon a committee, and to trust to the chapter of accidents.

Mr. W. Evans and Mr. Pease supported the motion, and Sir R. H. Inglis opposed it, after whom,

Sir Robert Peel addressed the House, begging members to look not at the mere form of this motion, but at its substance, and to couple it with the proceedings of former sessions, which identified it with the abolition of church-rate. The proposal to appoint a committee, he insisted, was preposterous; the duty lay properly with the Government. They admitted the inconvenience of delaying the settlement of a question creating so much uneasiness, and yet they had put off this proposal from November to May. Sir R. Peel then proceeded to show from the report, "bearing the signatures," said he, "not of zealous friends of the church, whose authority might be questioned as partial, but of Lord Melbourne, Lord John Russell, and Mr. Spring Rice," the extent of the deficiency of religious instruction in some of the most populous districts in England. There were 1,926 benefices, of which the yearly stipends were below 100*l.*, and 3,528 below 150*l.* To obtain 200*l.* a-year for those of them which were annexed to districts having a population of from 500 to 2,000 souls would alone require an annual sum of 235,000*l.*

After a speech from the Chancellor of the Exchequer, the House divided on the original motion, which was carried by a majority of 277 to 241.

Mr. Liddell then moved his second amendment, which was only lost by a majority of 11. The numbers being—ayes 254 — noes 265.\*

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\* Sir Stephen Glynne, Mr. Acland, and Mr. R. Williams, having voted against ministers in the first division, left the House before the second.

An act was passed this session for "abridging pluralities," and for making better provision for the residence of the clergy. It enacts that no person holding more benefices than one, shall accept and hold any cathedral preferment or other benefice; that no person holding preferment in one cathedral shall hold any in another; with certain exception in favour of archdeacons. Two benefices are not to be enjoyed together, unless within ten miles of each other, nor if the population of the one exceeds 3,000, or the joint revenue 1,000*l.*; unless the yearly value of the one fall short of 150*l.* while the population exceeds 2,000 persons; in which case, under certain restrictions with respect to residence, the bishop of the diocese may authorize the two to be held jointly. But it is necessary, for this purpose, to obtain a dispensation from the Archbishop of Canterbury.

The bill also contains a clause prohibiting any spiritual person, in the possession of preferment, or performing ecclesiastical duties, from farming more than eighty acres of land without consent of his diocesan; and from engaging in any trade, unless in cases where the number of partners exceeds six, or where the share in a business may happen to devolve upon the individual by operation of law. But in no case may such person carry on or manage any trade in person.\*

It also empowers the bishops to grant dispensations to their clergy from residing in the parsonage houses, when unfit to be occupied, provided that the residence selected

be within a certain distance of the cure. And it further enumerates a variety of other instances in which the bishops may grant licences for non-residence.

Upon the whole, the provisions of this act seem calculated to remove several inconveniences, which were severely felt by the clergy under the former system, as well as to introduce some very salutary regulations relative to the unpopular, though perhaps exaggerated, abuses of pluralities and non-residence.

In consequence of a decision of the Court of Exchequer, that it was unlawful for a clergyman to be a member of a joint stock company; it became necessary to alter the law on that head. It seems that in the year 1817 an act was passed, not only prohibiting all spiritual persons from engaging in any trade for gain or profit, and imposing a penalty upon transgressors of the law, but also declaring the acts of any partnership, into which such spiritual person had been introduced, to be null and void. The case in the Court of Exchequer was as follows:—the Northern and Central Bank, having sued an individual upon a bill of exchange, were met by the plea that two clergymen were members of their body, and consequently that they could not recover. And so the court decided.

The act which was framed to remedy this inconvenient state of things provided, that no association or co-partnership already formed, or which might be formed at any time before the end of the next session of Parliament, nor any contract entered into either between the members of such association, or with others, should be deemed illegal or void, on account

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\* See the act of Parliament next adverted to.



of any spiritual person being a member, or otherwise interested in the same.

The concerns of the Church of Scotland were brought under consideration in the House of Lords by Lord Aberdeen on the 30th of March.\*

He began by stating what he conceived to be the intentions of the Government with respect to the extension of Church accommodation in Scotland, as detailed on a former evening by Lord Melbourne. First, he understood that they meant to refuse any assistance to the cities of Edinburgh and Glasgow, and, in short, to all other great towns. Secondly, that they were prepared to apply the fund, which had been taken from the hereditary revenues of the Crown, and lately added to the consolidated fund, and which had been known as "bishops rents and teinds," to the endowment of churches in certain highland and rural districts, in which teinds still existed.

His Lordship assured the House, that not only had he never known any thing like the interest which existed on this subject, but he verily believed that no question of domestic policy had so much agitated Scotland since the union. He could not, he said, understand the course taken by the seceders on this question, the difference between whom and the Established Church was scarcely perceptible. And he complained of the deference shown by Ministers to the dissenting body.

He then entered into a detail of what had been done in this matter. The population of Scotland had outgrown the existing means

of religious instruction. Great exertions had, however, been made by the Established Church, and in the course of the last three or four years, he believed that 200,000*l.* had been subscribed for the purpose of building new churches, about 170 of which were now either completed or in progress. It was with a view to obtain a moderate endowment for these, that the Members of the Church of Scotland now applied to Parliament.

In 1835, a commission had been appointed to enquire into the subject, with orders "to report from time to time, in order that such remedies should be applied to the existing evils as Parliament might think fit."

But no report was made until the beginning of 1837, when the first, relative to Edinburgh, made its appearance. Another containing the state of Glasgow, was presented at the beginning of the present session. By these it appeared that the number of persons having the means of attending public worship in Edinburgh, taking into account the combined exertions of all the Dissenters, was 45,000 out of a population of 190,000. In Glasgow the number was 65,000 out of 213,000.

Lord Aberdeen then proceeded to dilate upon the advantages of the "territorial system of the Established Church," as the only one capable of duly administering to the spiritual necessities of the poor. He next came to a part of the ministerial scheme to which he felt a strong objection. By an act passed in 1707, at the time of the union, tithes had been placed in the hands of lay impropriators, subject to certain fixed charges which were regulated by act of Parliament. The clergy had de-

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\* See the preceding volume, page 106.  
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finite claims upon these teinds, and could periodically demand an increase of stipend to be paid out of them by the proprietors, upon making an application to the court of session, who might, as it thought proper, grant or refuse such augmentation. But subject to that claim, (recurring once in twenty years), the tithes were the absolute property of the present holders. By taking possession of this fund, therefore, Government would be guilty of a double act of spoliation.

His Lordship in conclusion, said that he should, on this occasion, content himself with moving for a return, showing the expense of the commission up to the present time. Up to the last year, the expenses had amounted to 20,000*l.*; and if they proceeded at the same rate this year, they would come to no less than 30,000*l.* If no result should arise from this commission beyond the ministerial project—if the expense was to be the only fruit of its investigations—he knew not how he could characterise it except as “a gigantic job.”

Lord Melbourne contended that the noble Earl had exaggerated the quantity of spiritual destitution in Scotland. Taking into consideration the sittings in the church, chapels, and dissenting places of worship, the proportion was rather more than 44 per cent. to the amount of the whole population, and afforded as much as was necessary for the usual demand. With respect to the requisitions on the part of the great towns for assistance, there was one point which induced him to pause before he embarked in a course of which he could not foresee the end, or foretell the consequences. There had, indeed, been shown a great want of spiritual instruction in

Edinburgh and Glasgow. But did the House know the destitution prevailing in this respect in London? It appeared by the first report of the Ecclesiastical commissioners, that in 34 parishes in London and Westminster, containing a population of 1,137,000, there was only church accommodation for 101,682. If then they were once to enter upon a system of making grants from the general resources of the country, the demands upon them would be inexhaustible. He most distinctly and decisively denied the claims of the church upon the state for whatever the church might require. All that could be done with prudence and wisdom, he would endeavour to do; but he thought there was a disposition to pursue this object with great recklessness, and in a manner that would be most dangerous and destructive.

The Archbishop of Canterbury in a speech of some length, expressed his concurrence in the views of Lord Aberdeen.

The Earl of Haddington, the Bishop of London, and the Duke of Wellington, took the same side in the discussion, and the Earls of Rosebery and Minto defended the measures of the Government. The Earl of Aberdeen, in his reply, taxed Lord Melbourne with a breach of faith; who, on his part, most indignantly and “in the most explicit language in which one gentleman can speak to another” denied that he had ever pledged himself to any course of proceeding by issuing the commission. The motion was then agreed to.

On the 22nd of February, the Earl of Ripon announced to the House of Lords that the Ecclesiastical Commissioners had come to

the resolution to recommend the continuance of the bishopric of Sodor and Man as a separate see, it having been at first proposed to unite it with the diocese of Carlisle.

The Bishop of Exeter, upon this occasion, made some strong remarks on the constitution of the ecclesiastical commission, which he considered most destructive of the spiritual interests of the church, and pregnant with consequences fatal to its security and its dignity. He said he looked upon the powers granted to the commissioners to be one of the greatest blows that had ever been aimed at its independence.

A bill was passed, during the session, for continuing the see upon its original footing.

In connexion with church matters, we have to advert to an occurrence which took place in the House of Lords, towards the close of the session, and which it is impossible to mention without regret. The Lord Chancellor, on the 26th of July, moved the order of the day for the third reading of the Church Discipline Bill, which was framed with a view to put an end to the jurisdiction of diocesan courts, in certain cases, and bring clergymen guilty of insubordination, and other ecclesiastical offences, before the court of Arches in London, in the first instance.

The Bishop of Exeter's antipathy to the proposed measure was such, that he was betrayed into an impetuosity of language not quite in character with the decorum of the bench on which he sat, or to the gravity of the subject under deliberation. The bill, he averred, professed to effect what it was beyond the power of any Christian legislature to accomplish. It struck

a blow at the existence of every ecclesiastical court, possessing jurisdiction in causes involving the correction of clerks, except the court of Arches; it went to deprive the bishops of a power inseparable from their office. The right rev. Prelate, having cited several passages from scripture, to show that it was impossible to reconcile the main provisions of the bill with the texts from which the divine origin of episcopacy must be deduced, proceeded to say, that human law might deprive a bishop of his see, but until that was done, no such law could restrain him from the full exercise of his episcopal jurisdiction. He spoke advisedly, but not in a spirit of defiance, when he declared that, should this bill become law, he should not feel himself at liberty to obey its main provisions. It struck at the root of the essential discipline of the Christian church, and he felt that, in supporting it, he should be a traitor to that church. "Notwithstanding, then, that this bill should become law," said the right rev. Prelate, "if a clergyman in my diocese shall misconduct himself, I will summon him to answer for his actions on his oath of canonical obedience. And before his master, and my master, I will remind this erring clergyman of his folly or his vice; I will reprimand him for it; and if he will not obey the remonstrance, I shall proceed to that sentence which this bill tells me I am not to pass—I shall proceed to excommunication. Then if this be done, your Lordships in Parliament may pass a bill of pains and penaltics against me—you may rob me of my see, you may take from me my robe—but my integrity to heaven I shall maintain inviolate."

The right rev. Prelate then entered into an elaborate history of the jurisdiction of the Bishop's diocesan courts, and laid especial stress on the severity of a process which summoned poor and defenceless clergymen from distant parts of the country to the metropolis, at the will of any malicious neighbour with a long purse.

The extreme hurry likewise with which the bill had been prepared and advanced through its several stages, he said, struck him with surprise. Had it been a bill for the regulation of *master chimney-sweepers*, it would have been conducted in a more patient and careful spirit.

The Archbishop of Canterbury observed, that if hard words and insinuations could ensure the defeat of this bill, its fate might be considered as sealed. He did not decline his full share of the responsibility attaching to him in this matter. The bill, however, had not been framed without consulting the entire bench of bishops, and only two prelates, inclusive of the Bishop of Exeter, had objected to it.

His Grace thought that their Lordships would not be much influenced by the right rev. Prelate's assertion that the bill involved a secular interference with the inherent rights of the church. Most of the observations of the right rev. Prelate were applicable to a perfectly different order of things, when the church was an independent society, not at all connected with the state, and managing its affairs by means of its own officers. The Archbishop contended that the manner of doing business in the ecclesiastical courts, required revision. At present there were no limits to litigation,

since a series of appeals was open to either party.

It was, he said, the desire of the great body of the Bishops, to relieve the church from this inconvenience. The Bishop of Exeter argued, that the bill would take away their jurisdiction from the Bishops; but, as the case stood now, Bishops could not prevent a party from removing his cause from the Diocesan Court to the Court of Arches, who would take original cognizance of the case.

The Bishop of Exeter had spoken with much complacency of the superior character of the Diocesan Court of the see of Exeter; now he had been informed by a very high authority at Doctors' Commons, that there were more appeals from the Diocesan Court of Exeter than from all the rest of England and Wales. It was essential that a court should be established, presided over by thoroughly efficient judges, provided with officers who would carry its judgments into effect, and attended by advocates who could do justice to both parties. It could not be shown, that the generality of the Diocesan Courts now in operation presented these all important features.

The Archbishop concluded by expressing his decided conviction, that the consequence of continuing the present system, would be the total inefficiency of all ecclesiastical discipline.

After considerable discussion, in which Lord Brougham, the Bishop of Lincoln, Lord Wynford, and the Duke of Wellington took part the Archbishop consented to withdraw the bill, notwithstanding a declaration on the part of the Lord Chancellor, that it was of great importance, that it should pass this session.

On the 10th of July, while the House was voting the supplies, the following somewhat characteristic discussion took place, occasioned by a motion that the sum of 4,500*l.* should be appropriated as an allowance to Protestant dissenting ministers in England, poor French refugees, clergy, and laity, &c.

An exception was taken to this vote as repugnant to the voluntary principle, which the Dissenters professed. To this the Chancellor of the Exchequer replied, that being himself decidedly opposed to the voluntary principle, he could admit no objection to the grant on that ground.

Upon this, Mr. Hindley proposed as an amendment, that the item of 1,095*l.*, being the share of the Dissenters, be omitted. This amendment was supported by Mr. Hume.

Mr. Baines observed, that this money had originally been a personal gift from King George 1st, to the Dissenters in consideration of important services rendered to him by them. George 2nd had continued the allowance on the same footing, but his successor transferred it to the shoulders of the public. He (Mr. Baines) informed the House, that, in his opinion, the Dissenters, in assertion of the voluntary principle, should have declined the allowance from the state, though there might be nothing objectionable in their taking it as a gift from the Sovereign personally.

Mr. Rice repeated, that he could not by withdrawing the grant, consent to affirm the voluntary principle. And he, moreover, said, that he was not at liberty to withhold what had been originally a royal grant.

Mr. O'Connell declared his intention of voting against the grant and thus vindicating his uniform advocacy of the voluntary principle.

Mr. Gibson, on the other hand, said he should support it for the purpose of marking his opinion of the insufficiency of that principle.

Mr. Wallace, on the part of the Dissenters of Scotland, begged to say, that that body had no wish to partake of any portion of the public money.

Upon a division the grant was carried by a majority of 84 to 16.

Before the Christmas recess (1st of December) Lord Brougham, in a speech of great length, addressed himself to the subject of national education in the House of Lords. The noble Lord's scheme was disclosed in two bills, corresponding in their provisions with that which he had brought forward in the preceding session for a similar purpose, and which were only thus separated for the sake of convenience. In proceeding to unfold the various points of his proposed measure, the noble Lord prefaced his observations, by declaring that he thought that there ought to be in no time and in no country, whatever might be the constitution of the government and the state of society, any compulsory system of education.

His next proposition was, that the interference of Government should be as limited as possible. With regard to the course of education to be pursued, he should view with the greatest jealousy any endeavour on the part of the Government to control its direction, or to get into its own hands, the nomination of the teachers. Decidedly opposed, as he was, however, to any direct interference

on the part of the public authorities, he thought it quite possible, that the Legislature might by indirect means, and by a system of incentives and encouragement, introduce the practice of education generally. He would not fix the plan of education, nor determine who should be the parties to receive it; but he would bring it home to every man's door, by multiplying the number of schools, and he would study to improve the system by providing institutions for the instruction and training of schoolmasters.

Considering the circumstances of the country, he thought, that no measure, that was propounded, ought to be based on any general principle.

The vast number of schools already in existence was one circumstance to be taken into consideration; there were about 50,000 of these established throughout the country, of which from 39,000 to 40,000 were unendowed. In the year 1820 about 600,000 children attended the schools then existing, 300,000 being free scholars, and the other moiety being subject to a charge. At the present moment the schools afforded instruction to about 1,120,000 children, of which number 730,000 actually paid for their education. It was, therefore, incorrect to say, as was often alleged, that the existing system was one originating in charity, and degrading to the recipients. No one could be more urgent than himself, in deprecating a greater extension of the charitable system, than was absolutely necessary, and in desiring to see it superseded by one which admitted the *right* of every individual to be comprehended in its scheme. But to call them "charity schools", in

the common sense of the word, merely because they were supported by the subscriptions and exertions of public-spirited individuals, was an abuse of language.

After enumerating the various objections, that presented themselves to the adoption of an uniform system, namely, the multitude of schools at present existing—the diversity of sources from which funds already devoted to educational purposes were derived—the variety of religious denominations—and the broad distinction between the rural and oppidan population. The noble Lord proceeded to say, that under such a state of things, it became necessary to use the greatest precaution, to prevent the efforts of individuals from relaxing, and the funds now appropriated to these objects, from being intercepted. Care should everywhere be taken to assist the efforts of persons already engaged in the good work; and bearing in mind that the measures promoted by the state should not prevent the adoption, in each locality, of the system best adapted to its peculiar exigencies, they should be especially careful not to damp the exertions of individuals already engaged in diffusing education in their own district.

But though the schools were numerous, Lord Brougham continued to observe, that the system was, in more than half of them, exceedingly imperfect; and that there was no security for their continuance. In some of the great towns of the North, and he might say in the very metropolis, it was difficult to find persons capable of lending their assistance towards the education of themselves or others. To obviate this evil, was one of the main objects of the bill



he was about to lay before the House.

He first proposed to establish a public board, to preside over the department of education, And this formed the subject of the first of his two bills. The duties relating to the administration of charitable funds, to cases of breaches of trust, and to the general management of monies applicable to education would be comprehended in a separate bill.

The education board, which he had formerly proposed was to consist of three stipendiary commissioners, not removable unless by address to the Crown from both Houses of three Ministers of State, and the Speaker of the House of Commons.

But in the plan now proposed, he had omitted the Speaker, and one Minister of State. It was necessary, he remarked, that some Members of the Government should have seats at the board, because it often would happen that the concurrence of Ministers could not be conveniently dispensed with in the administration of public grants. He did not, however, propose that those members of the board, who were also Ministers of the Crown, should have any voice in the appointments of school-masters.

Lord Brougham then proceeded to detail the specific duties of his board, which generally may be described as consisting, first, in the superintendence of the distribution of such funds as should be derived from Parliamentary grants, or be otherwise disposable for the purpose of instructing the people, and secondly, in the providing schools, wherever they might be wanted, subject to the concurrence of the local authorities.

The noble Lord next addressed

himself to what unfortunately must be a point of paramount difficulty in every project for a comprehensive system of national education, namely, the religious variances which pervade the country. It would be the duty of the new board to discountenance all practices of an exclusive and intolerant description. Those who wished for a school, in which no churchman, or no dissenter, as the case might be, should officiate as a teacher, must provide the funds to support it out of their own resources; but they could have no portion of a Parliamentary grant; no authority to levy a rate under the statute.

Lord Brougham proceeded to explain the sort of machinery, by which he proposed to work his measure. Whenever any parish or township, not having municipal institutions, was desirous of taking advantage of the provisions of the bill, any given number of the inhabitants might convene a public meeting, with a view to the consideration of the subject.

A school committee might then be appointed, to be composed of rate-payers, which committee would have the power of levying a rate for school purposes on the parish.

For the formation of the constituency of this school-committee Lord Brougham said, he would propose "an education qualification." All persons having been educated at any school or university, or belonging to mechanics institutions, or other associations for educational purposes, should under certain restrictions, and according to certain rules, have a right to vote.

With respect to religious instruction, the bill would neither

exclude it, nor render it indispensable. But Lord Brougham said, he was one of those, who thought that the enactment should contain, in positive and express terms, a direction, that in all schools, founded, extended or improved under its provisions, the scriptures, and the whole scriptures should be read; accompanied of course, with the proviso that the children of Roman Catholics and Jews should not be required to attend upon such occasions.

There would be undoubtedly great difficulty in executing many of the details of this great measure. But we cannot forbear saying, that it seems to have been conceived in a fair and enlightened spirit, and that its general outline exhibits many excellent features. And it was some testimony of the effect produced by the learned Lord's address, that the Earl of Winchelsea should have declared, that, it contained many sentiments in which he heartily concurred.

The bill was read a first time, but did not again come under the consideration of Parliament during the session.

In the House of Commons on the 30th of November, Mr. Slaney in a speech full of detail, moved for, and obtained, a select committee to enquire into the condition of the labouring classes, with a view to devising some means of national education.

At a more advanced period of the session, (June 14th), Mr. Wyse, in a very thin House, moved an address to the Queen, that she would be graciously pleased to appoint a board of commissioners with a view to the wise, equitable, and efficient application of sums granted, or to be granted, for the advancement of education. The

hon. Gentleman, after entering into a good deal of statistical information, and contrasting the state of education in England with the advance it was making elsewhere, proceeded to disclose his own scheme to the House. It consisted in the establishment of a central board of education, so constituted as to represent, in fair proportions, the different parties in the country, and which should exercise a general superintendence and controul over a system of local boards to be established in all parts of the kingdom.

The motion was seconded by Mr. Hume, who in his speech referred to two documents as bearing strongly on the subject. The first of these was a report made by the grand jury at the late Durham assizes, in which they expressed their deep regret at the want of instruction amongst the people. The second imported to be an address from a society of working men in the metropolis, who, in their humble station, were endeavouring to impart to others the advantages of education.

Mr. Colquhoun objected to Mr. Wyse's system as aiming at an amalgamation of different religious sects. In that case, he said, it would be necessary to exclude religious instruction altogether; such a scheme would neither find favour with the people of England, nor produce the desired effect of raising the moral condition of the poor. The hon. Gentleman then proceeded to assert the superiority of the schools established under the auspices of the "National Society," to those which were founded on "the liberal" system. The former embraced 500,000 children, while the latter, in many populous places, could scarcely be kept together.

Mr. Slaney remarked, that in Liverpool, Manchester, Salford, Bury, and Oldham, containing a working population of 841,000 people, the number of children sent to school did not exceed 27,000, giving only a proportion of one educated person in thirty-one. It had been calculated that in Manchester 14,000*l.* was contributed by the working class for the imperfect education of 17,000 children; and that an additional 4,000*l.* would, if properly applied, ensure the best education to 25,000.

Mr. Clay stated, that in the parish of Bethnal Green, the population of which was 62,000., there were 14,000 children between the ages of five and fourteen, of whom not more than 2,000 were receiving education of any description.

Lord John Russell explained the course which had been pursued by the Government in distributing the funds voted by Parliament for educational purposes. It had been contended that the grant should have been equally divided between the church and the dissenters. The Treasury, however, had deemed it to be their duty to apportion the money, at their disposal in the mode most likely to obtain the greatest quantity of education. They had accordingly been guided in their expenditure by a reference to the amount of voluntary subscriptions already existing in each particular quarter, where the assistance of Government was solicited. It was obvious, for instance, that if there were 5000*l.* to be disposed of, for which two sets of claimants presented themselves, the one class having already 10,000*l.* in hand applicable to the same purpose, and the other having only 5,000*l.*; the better policy would be to give the money to the former. After

giving some details, to show how the annual pittance of about 20,000*l.*, voted by Parliament for national education, had been disposed of, the noble Lord proceeded to say, that while he deplored the deficiency of education in the country, he was not prepared to propose any plan for an efficient interference on the part of Parliament. Such a difference of opinion at present existed amongst the various parties concerned in public education, that it appeared to him to be premature to endeavour to carry into effect any uniform system. In commenting on some of the current methods of instruction, Lord John took occasion to declare his preference for the system adopted by "the British and Foreign Society," which, while it involved a religious education, admitted of no particular catechism, and indicated no exclusive form of worship. The "National Society," on the other hand, prescribed the adoption of the church catechism, and required attendance at church on Sundays. A third mode had been proposed, which excluded all religious instruction whatever. Of this, however plausible, Lord John said that he could not bring himself to approve, because, in the first place, he was convinced that it would never meet with the general assent of the people of this country; and, in the next, that it would fail to implant in the minds of the children that moral and religious culture which was necessary to form good members of society.

The noble Lord added, that there was one point connected with the subject, which was entitled to great attention; he alluded to the necessity of providing a sufficient supply of teachers for the schools

of the people, and of taking means for raising their condition and bettering their prospects. In the course of the debate, the Chancellor of the Exchequer expressed his objection to the mode in which both the British, as well as the National Society conducted their affairs. For the last two years, Government had offered to co-operate in the establishment of normal schools for the instruction of masters, yet neither society had come forward to accept those pro-

posals. The two associations, however, were gradually approximating, and he believed, that the great mass of dissenters would have no objection to consolidate their schools with those of the established church, provided that the church catechism were taught only on Sundays.

After some remarks from Dr. Lushington, the House divided.—Ayes 70; noes 74; majority against the motion 4.

## CHAPTER XIII.

*Retrospective summary of Events in Upper Canada—Sir Francis Head—His own account of his appointment to the Government of Upper Canada—Account of Mr. M'Kenzie—His reception in Downing Street—His supposed influence—He is disclaimed by the Assembly—Sir Francis Head's arrival in Canada—His first interview with Messrs. Bidwell and M'Kenzie—Sir Francis Head's reasons for publishing his instructions—His quarrel with his Executive Council—Dissolution of the Assembly—Progress of the differences between Sir Francis Head and the Colonial office—Baronetcy conferred upon him—His two memoranda upon the Canadas, addressed to Lord Glenelg—Advises Lord Glenelg to remove the troops from Lower Canada—He comes to an open rupture with the Colonial office—Affairs of Messrs. Ridout, Bidwell and Hagerman—Reasons of Sir Francis Head's recall—Observations on his character and conduct, as displayed in his despatches—Lord Durham's view of Sir Francis Head's policy and conduct—Sir George Arthur succeeds to the Government of Upper Canada—Disposal of the Prisoners—Execution of Lount and Mathews—Incursions of Americans—Burning of the "Sir Robert Peel" steamer—Exploits of the outlaw Johnson—Capture of a party of British Lancers—Execution of Morrow—Alarm in the Upper Province—Complaints of the lenity of the Government—Lord Durham's view of the transactions in Upper Canada—Lower Canada—Sir John Colborne provisional Governor—Disposal of the Prisoners—Lord Glenelg's directions with regard to the mode of trial—Sir John Colborne's special council—Sir John Colborne's ordinances—Special council prorogued—Arrival of Lord Durham—Dismissal of the executive and special Councils—New executive council—Mission of Colonel Grey to Washington—Lord Durham applies himself to dispose of the prisoners—Lord Glenelg's instructions on that point—Lord Durham's special council—The ordinance disposing of the prisoners—Amnesty—Reception of the prisoners in the Bermudas—Public lands—Tour of the Governor-General—Trial and acquittal of the murderers of Chartrand—Lord Glenelg's policy—Instructions to Lord Durham—Imperfect state of the Jury Law.*

**I**T here becomes necessary to interrupt our parliamentary history, for the purpose of reverting to the affairs of the Canadian provinces. Our earlier chapters have acquainted the reader with the main details of the insurrection, and its suppression, together with the appointment of the Earl of Durham to the dictatorial powers supposed to be communicated by the act for making temporary provision for the government of Lower Canada. The issue of that nobleman's mission remains to be recorded. But before we proceed to that part of the subject, it is our purpose to lay before the reader a summary of the circumstances which led to Sir Francis Head's recall from the government of the Upper Province. An event already mentioned, but the precise grounds of which were imperfectly understood, until Sir Francis himself, in a recent publication, disclosed them to the world.\*

At the period when Sir Francis

received the reins of government, Mr. Hume was not the only person who thought Mr. Lyon Mackenzie "a distinguished man." This individual, it appears, had

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other a tallow candle illumining an honest countenance, not altogether free from alarm, hurriedly informed me, 'that a king's officer had come after me.'

"What could possibly be the matter in the workhouse of this busy world, I could not clearly conceive; however, sitting up in my bed, I opened the letter, which, to my utter astonishment, was from the Secretary of State for the colonies, expressing a wish that I should accept the Government of Upper Canada, and that, if possible, I would call upon him at half-past eight the following morning, as, at nine, he was to set out for Brighton to see the king." Sir Francis Head's popularity as a writer, is mainly assignable to his lively perception of the ridiculous, and certainly the singularity of his own appointment was not thrown away upon him in this light, as the above extract sufficiently shows. What the opinion of the public upon the subject may reasonably have been when his appointment was announced, will appear from the following passage, proceeding from a very friendly and even partial quarter.\* "Sir Francis Head was a half-pay major in the army, known to the public chiefly by two lively works—the "Rough Notes of a ride over the Pampas," and "The Bubbles from the Nassau Brunnen, by an old man"—for so it pleased the vigorous humourist to describe himself; very clever little books both of them, as our readers know, but certainly affording no promise of *that kind of talent* which would have been *a priori* selected for such a duty as the Government of Upper Canada had then become. And let it be recollected that the half-pay Major from Romney Marsh was thus selected to fill the place from which Lieutenant-General Sir John Colborne, G.C.B. now Governor-General of all her Majesty's North American dominions, had been recalled."

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\* There is, perhaps, something a little characteristic of the whole of these transactions, in Sir Francis Head's own account of the circumstances under which his sudden elevation to the Government of Lower Canada was brought to pass. "It had blown almost a hurricane from the S. S. W.—the sheep in Romney Marsh had huddled together in groups—the cattle, afraid to feed, were still standing with their tails to the storm—I had been all day immured in New Romney, with the Board of Guardians of the Marsh Union; and though several times my horse had been nearly blown off the road, I had managed to return to my lodgings at Cranbrook, and with my head full of unions, parishes, magistrates, guardians, relieving officers, and paupers of the county of Kent, I had retired to rest, and for several hours had been fast asleep, when, about midnight, I was suddenly awakened by the servant of my lodging, who, with a letter in one hand, and in the



originally emigrated from Scotland, about eighteen years ago, in a very humble capacity.\* But his talents and industry, were not lost in a country like Canada. He became the editor of a newspaper—a denouncer of grievances—and a principal leader of the “Reform” or mal-content party in the province. In the year 1832, he made his appearance in London, as the agent or delegate of his party, and in that capacity, was received at the colonial office with every mark of deference and respect. Having listened with the greatest attention to the representations of this person, and to his projected improvements in the mode of governing the colony, Lord Goderich wrote a despatch to Sir John Colborne, the tenor of which may be conceived from the following passages of the address which it provoked from the House of Assembly. “We most readily concede, that the noble Secretary of State was actuated by the best motives in framing the despatch in question; but we cannot refrain from expressing our regret, that it did not occur to his Lordship, that allegations thus deeply affecting the character of his Majesty’s subjects in Upper Canada rested on no better testimony, than that of an individual, who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present Parliament. If this fact had occurred to his Lordship, it is reasonable to suppose,

that he would not have felt himself at liberty to recognize the author of this additional calumny on the people of this province, as the agent, or as speaking the sentiments of any portion of the loyal inhabitants of the province of Upper Canada, and would, therefore, have considered it utterly unnecessary to enter into so elaborate an examination or refutation of anything advanced by him.”

Notwithstanding this indignant disclaimer of Mr. M’Kenzie, on the part of the Assembly, that individual seems to have retained a firm footing in the confidence of the Colonial-office, and, as it would appear, procured the removal of the Attorney and Solicitor-generals from their posts; a penalty for the part they had taken, in joining in the vote for his own expulsion from the Assembly.\*

Mr. M’Kenzie returned in triumph to Upper Canada, and supported by the conspicuous approval of Downing street, succeeded in regaining a seat in the House of Assembly. At the ensuing election, “the Reformers” obtained a large majority in that chamber.

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\* The following note and memorandum were published by Mr. M’Kenzie on his return to Canada. “Lord Howick presents his compliments to Mr. M’Kenzie, and will be happy to see him, if he will be good enough to call on him Monday at 12 o’clock.

Colonial-office 7th March 1833.

“Memorandum—This note was addressed to me on the occasion on which the Colonial-office resolved to change the Attorney and Solicitor-generals of Upper Canada, in answer to my representations as to their conduct.

“W. L. M’Kenzie.”

The dismissal of the two law officers in question was directed by the Colonial-office in a despatch written the day after the date of Lord Howick’s note.

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\* He is said to have started in life as a pedlar.

Mr. Bidwell whose political opinions were of an ultra-liberal cast, was chosen Speaker, and "a grievance committee" appointed, consisting of Mr. M'Kenzie, Mr. Thomson, Mr. Gibson, and Mr. Waters.\* The report of this body—a large octavo volume of 553 pages was printed, without being read previously in the Assembly, and sent to England. And it was to redress the grievances therein enumerated, that Sir Francis Head was despatched to Canada, under the circumstances which we have detailed. He went out, it is to be observed, with the character of being *at least* a Whig and was backed by letters of eulogy from Mr. Hume to his friends in Canada. Accordingly, as he drove into Toronto, he observed the walls placarded in large letters which designated him as "*Sir Francis Head, a tried Reformer.*" The appearance of the new Governor under such circumstances naturally excited the distrust of the "loyalists," who were not backward in their indications of dissatisfaction. But Sir Francis was nothing daunted at this demonstration. "Exposed," he says, "as I knew I must be, to the political storm, it was to me a matter of the most perfect indifference, from which quarter of the compass it proceeded. 'I have the grievances of Upper Canada,' I said to myself, and I have their remedies, and whether the Tories liked the medicine, or whether they did not, I cared not a single straw." The republican leaders were, neverthe-

less very soon made aware that the new Governor was not the kind of man that all parties had believed him to be. "I told Mr. Bidwell," he continues, "at a private audience, that I was an inexperienced man, but that I would deal honestly towards the country, and being resolutely determined to correct the grievances of the province, I at once took up the *book* which contained them." Mr. Bidwell, however, assured him, to his great astonishment, that the grievances collected together in this report, were not the only ones. There were others, not at all detailed in that volume, "which the people had long endured and were still enduring with great patience &c."

Sir Francis Head's account of a similar interview with Mr. M'Kenzie is so graphic, that we are tempted to subjoin it in a note.\*

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\* "When Mr. M'Kenzie, bringing with him a letter of introduction from Mr. Hume, called upon me, I thought that, of course, *he* would be too happy to discuss with me the contents of his own book; but his mind seemed to nauseate its subjects, even more than Mr. Bidwell's. Afraid to look me in the face, he sat with his feet not reaching the ground, and with his countenance averted from me at an angle of about 70 degrees, while, with the eccentricity, the volubility, and indeed the appearance of a madman, the tiny creature raved in all directions, about grievances here, and grievances there, which the Committee, he said, had not ventured to enumerate. 'Sir,' I exclaimed, 'let us cure what we have got here first!' pointing to the book before me. But no; nothing that I could say would induce this pedlar to face his own report, and I soon found that the book had the same effect upon all the republican members, and that, like the repellent end of a magnet, I had only

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\* For apprehension of the first of these persons a reward of 1,000*l.* is now offered, and for the second, 500*l.* Mr. Thomson was tried for treason, and quitted the province.

mental a nature, that it was evident he must sooner or later become intolerable to his more matter-of-fact superiors in Downing Street; and accordingly the eccentric though clever Lieutenant-Governor and his official chief soon found themselves in mutual collision. The following passage occurs in a despatch addressed to Lord Glenelg, in November, 1836:—"The flattering manner in which your Lordship has been pleased to convey to me the King's gracious approbation of my conduct, has afforded me the first happy moment I have enjoyed since my arrival in the province."—"Up to the receipt of your Lordship's despatch (No. 95), I have suffered from the treatment I have received from his Majesty's Government more pain than it would be possible for me to describe." He then goes on to say, "By my own unassisted exertions, I received from about 28,000 yeomen, farmers, &c., addresses of support, all of which I forwarded to your Lordship, but to which, to this day, I have never received the slightest acknowledgment from his Majesty's Government, addressed to those who thus generously came forward to support me. Whenever a mail arrived, I was asked, with the greatest anxiety, what remarks the British Government had made to these noble addresses? The mortifying answer I had to give was, "*None.*" In the sequel, he enumerates a variety of occasions on which he had reason to complain of the discouraging attitude assumed towards him by the Government at home. In the Spring of 1837, however, some acknowledgment of his services was made by the grant of a baronetcy.

In the latter end of 1836, Sir

Francis Head addressed to Lord Glenelg "a memorandum on the political state of the Canadas." In this he announced his conviction, "that upon the loyalty of the people of Upper Canada his Majesty's Government may now build as upon a rock. I declare to your Lordship, he continues, that in England there does not exist a more sensible attachment to the British constitution and to the person of our Sovereign than here. The owners of property in Upper Canada dislike democracy; they dislike it infinitely more than people in England do, because *there* it is a fine *omne-ignotum-pro-magnifico* theory, that no man understands, whereas *here* it is seen practically working before our eyes in the United States; and it is because the people of Upper Canada see it in operation, that they deliberately detest it." With respect to the Indians inhabiting the adjacent territory, he assured the Colonial Secretary, "from personal communication with these brave men, that in the event of a war they might be fully relied upon." The following are his suggestions for a re-distribution of the Canadian provinces. "1. Let the act giving up the revenue of the 14th George 3rd be repealed. 2. Annex Gaspé to New Brunswick. 3. Annex Montreal to Upper Canada. 4. Make the North bank of the Ottawa the boundary of Lower Canada, giving the waters of the river and the expences of making them navigable, to Upper Canada."

"A second memorandum on the political state of the Canadas," was framed by Sir Francis in August, 1837.

"The portion of the globe from which I am now addressing you

is the most favoured region which it has ever been my humble fortune to visit. The freshness and elasticity of the Canadian air—the peculiar blueness of the sky—the magnificence and utility of the great lakes, the unexampled exuberance of the soil—the indication of mineral wealth—and the abundance of timber and fuel—form altogether a rich picture which it is beyond the power of the artist to delineate.” “The British population have lost none of the noble qualities which distinguish their race. The French-Canadians retain all the social virtues which adorn the character of the French, without their propensity to war.”

After alluding to the utter failure of Lord Gosford's conciliatory system, he thus speaks of the success of his own policy. “In Upper Canada, the opposite or negative process, I mean the *unconciliatory* policy, has, it cannot be denied, practically tranquillized the province. It has not only completely overthrown the enemies of the British constitution, but, in a very great degree, has effected their conversion.

Hundreds of men who leaned with their whole weight against the Government, as long as they found it bend to their pressure, suddenly stood erect to defend it, the instant it resolutely commanded them to keep off. People of the most violent politics have lately acknowledged themselves to be in error; and even Mr. Speaker Bidwell himself, who was the avowed republican associate of Mr. Papineau now openly declares, that he deeply regrets the course he was led to pursue.\*

\* We find in this second memorandum this strange passage “I, therefore, respectfully recommend her Majesty's  
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The reader is already acquainted with the anxiety, which, on the eve of the insurrection, Sir Francis Head expressed to get his province cleared of soldiers. But it seems his Excellency did not stop there. In a despatch dated the 18th of November, 1837, he thus admonishes Lord Glenelg. “My Lord, I respectfully recommend her Majesty's Government immediately to abstract *all the troops from Lower Canada*, excepting those necessary to garrison Quebec and Montreal. As soon as the political atmosphere shall have been thus purified, let Mr. Papineau, if he dare, attack the Queen's Government, and the British population of our North American Colonies; let him, if he dare, take forcible possession of the lower province.”

The following is Sir Francis Head's theory on this point. “If Mr. Papineau and his followers were a foreign enemy, it would be desirable that the party which possessed the greatest quantity of physical strength should predominate. But the French *habitans* of Lower Canada are as much her Majesty's subjects as the British troops, and in the present state of the civilized world, I do maintain, that a civil war must henceforward

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Government to frame their future policy upon two unalterable determinations. 1. NOLUMUS LEGES ANGLIÆ MUTARI. 2. WE WILL NOT RETAIN POSSESSION OF THE CANADAS BY FORCE OF ARMS.

“I mean by this

“1. We will not mutilate the British constitution in our colonies by concessions to democracy.

“2. Let us govern by moral power and not by military force; (i. e. let's clap the padlock on the mind).”

To these two mystic maxims, Sir Francis attributes great virtue as being certain to secure “a splendid moral triumph.”

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be a moral one and, that victory will eventually declare itself in favour of moral, and not physical, preponderance."

But, with his usual openness, Sir Francis thus comments upon this despatch, in his "Narrative." "The foregoing opinions, (which by her Majesty's Government were not thought worthy to be included among those submitted to the Imperial Parliament), clearly show, *that I had totally failed to foresee the invasion of our Colonies by our American allies.*" An important element in the question surely; and a dangerous adviser must we hold that man to be, who, while he tenders daring counsels like these, is apt to overlook such grave possibilities.

In the mean time, the points at issue between Sir Francis and his superiors had been progressively accumulating, till at length, the Lieutenant-governor broke out into actual insubordination, thereby making his recall a matter of imperative necessity.

The incidents, which more immediately led to Sir Francis Head's removal, were, upon his own statement, these. A certain Mr. Ridout had been dismissed from his situations of judge of the district court of Niagara, and colonel of militia, on the following grounds. Mr. Ridout, a leading member of the opposition, had publicly declared, that Sir Francis Head would deserve to be *tarred and feathered*, if he dismissed him from his office, adding, that "he would lend a hand to do so." Mr. Ridout was, moreover, a frequent attendant as well as orator, at the "Constitutional Reform Society," which had circulated an address containing the following, amongst other objectionable passages:—"It

is our duty solemnly to assure you that the conduct of Sir Francis Head has been alike a disregard of constitutional government, and of candour and truth in his statements." For this offensive conduct, Mr. Ridout lost his situations, and, thereupon, appealed to the Colonial-office, denying, that he was a member of the society named or that he had ever seen the address in question, till it met his eye in a printed form; and further stating, that he had attended the meeting at which the society was established for the purpose of opposing its formation, on the principles proposed by its author.

Lord Glenelg, having taken into consideration Mr. Ridout's memorial, addressed a despatch to Sir Francis Head, on the 29th of August, 1835, of which the following are extracts. "I have sought in vain for proof, that Mr. Ridout was a member of this society, or that he, in any manner, partook in the publication of the objectionable address. I am compelled, therefore, to come to the conclusion, that the charge is not only unsupported by proof, but that, to a great extent, it is actually disproved." "I have accordingly to convey to you his Majesty's command, that Mr. Ridout should be permitted to resume the various employments from which he has been removed."

Sir Francis replied to this mandate by a spirited epistle, after his own fashion. He asserted, that Mr. Ridout was, at least, an *apparent* member of the society in question, since he took a part in its proceedings. Of Mr. Ridout's declaration, that he had not approved of the formation of the "Constitutional Reform Society," he gave the following curious explanation.



A society of a similar, but of a more openly avowed [revolutionary character, had formerly existed, under the denomination of the "Alliance Society," having for its object the confederation of the two provinces, for the purpose of ultimately effecting their joint independence. It being proposed to change the name of this association from the "Alliance" to the "Constitutional Reform," the alteration was opposed by the more violent and reckless of the faction, who were desirous of pushing matters to an extremity, and committing their party in every possible way.

Sir Francis Head further contended, that it was essential to the authority of a person in his position, that he should be at liberty to dismiss public functionaries without being under the necessity of assigning to them his reasons for such a measure.\*

Lord Glenelg's rejoinder was calm, but firm. However, he so far relented, as to say, that Mr. Ridout's restitution to office might be made to depend upon his ability to exculpate himself from the various charges preferred against him by the lieutenant-governor in his despatches.

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\* Lord Glenelg disputes this proposition. "You have observed, that in no department of the State, not even in my own office, has it ever been deemed necessary, or even advisable, that every reason for which an individual is to be relieved from office, must be stated to him; that it may be necessary to remove a public officer, for many reasons which it may not be desirable to explain to him.

"You must permit me to state unreservedly, that this answer appears to me inadequate; I am totally ignorant of the existence, either in this office, or any other department of the state, of any such practice as that to which you refer."

A second cause of discord between Sir Francis Head and his official chief arose from the refusal of the latter to confirm the promotion of Mr. Hagerman, the new solicitor-general, to the office of attorney-general. It seems that Lord Glenelg's objection to this gentleman was founded on some expressions derogatory to the church of Scotland, which were alleged to have fallen from him in debate, but which he denied having used, and if, as Sir Francis Head represents it, the only evidence was derived from a statement in the newspaper, conducted by Mr. Mackenzie, it would certainly appear that the colonial office acted on insufficient grounds.

The third and most serious matter of contention, between Sir Francis Head and the colonial office, arose out of Lord Glenelg's determination to elevate Mr. Bidwell, the leader of the republican party, and whose name was afterwards blazoned on the colours of the Toronto rebels, to the judicial bench. But Mr. Bidwell having professed, at one time, to have retired from the political arena, and to have abandoned party strife, Lord Glenelg, in conformity with his conciliatory policy, was desirous of disarming altogether this gentleman's hostility, by making a judge of him, and he accordingly wrote to Sir Francis in the following terms:—"Considering, that the disloyalty which is imputed to Mr. Bidwell's associates is not charged against himself, or attempted to be proved by any act of his; that he has, *for the present, at least*, withdrawn himself from political strife; and that his legal abilities, and high moral character, are acknowledged and respected even by his political opponents; I cannot re-



gard the part he formerly took in politics as an insuperable barrier to his future advancement in his profession." "If, therefore, as you appear to anticipate, another vacancy among the judges of the Court of Queen's Bench should occur, it is the wish of her Majesty's government, that the situation should be offered to Mr. Bidwell, and they will hear, with pleasure, that he has accepted it."

Sir Francis Head's answer to this order amounted to downright disobedience. "After very deliberate consideration, I have determined," he replied, "to take upon myself the serious responsibility of *positively refusing* to place Mr. Bidwell on the bench, or to restore Mr. George Ridout to the judgeship from which I have removed him."

Sir Francis thus speaks of this Mr. Bidwell. "He has been the untired advocate of republican government." "Whenever he had an opportunity of expressing his sentiments, they were in favour of an elective legislative council, and of an executive council responsible to the people." "In his capacity of Speaker of the House of Assembly, he delivered to me, to be transmitted to the king, one of the most insulting addresses that ever were offered to the British Sovereign. Not satisfied with this, Mr. Bidwell, on the last night of the session, presented to the House of Assembly, a traitorous communication, addressed to him from his fellow-labourer and colleague, Mr. Speaker Papineau. This letter accused your Lordship 'of arrogance;' termed the royal commissioners the King's 'deceitful agents,' and was altogether of a purely rebellious character."

Lord Glenelg did not conceal

his displeasure at this abrupt proceeding on the part of the lieutenant-governor. He addressed him in a tone of dignified rebuke, and of temperate expostulation, affording a striking contrast to the off-hand and rambling style of his refractory subordinate. Sir Francis Head had, of course, coupled his refusal to obey Lord Glenelg with a tender of his resignation, which, in such a case, Lord Glenelg had no alternative but to accept.

It should be stated, in justice to Sir Francis Head, that, after he had retired from Upper Canada, Sir George Arthur investigated Mr. Ridout's case, by order of the colonial office, and having heard whatever Mr. Ridout had to advance in his own behalf, recommended that that gentleman should not be restored to his offices.

It was while this correspondence was passing between Lord Glenelg and Sir Francis Head, that the insurrection broke out, and in the manner already related, Toronto was attacked by Mr. Mackenzie, bearing on his colours the name of "Bidwell," Lord Glenelg's judge-elect for the Court of King's Bench.

Sir Francis Head is one of the most perplexing of political characters. We must needs admire, blame, laugh at him, by turns. In spite of his provoking oddity, it cannot be denied, that his policy exhibits features expressive of the existence of many of those generous and commanding qualities, for which, in general, the present race of public men are anything but remarkable. We must applaud, for instance, his noble and chivalrous frankness to doubtful adherents, his scornful defiance of open foes, his habit of invariably

looking evils in the face, and, above all, his apparently unaffected and undeviating faith in the better principles of human nature.\* The rapid and just estimate which he formed of the "grievance-mongers," as he terms them, whom, it should seem, the colonial-office was delighted to honour, in the empty hope of propitiating them, does credit to his acuteness; while the almost unexampled manner, in which he turned the course of public feeling in his province, and kindled a blaze of loyalty and attachment to the British connexion, where, at least, a lukewarmness would seem to have previously prevailed, indicates some possession of those indefinable qualities which give a

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\* The following reply to a despatch, which announced the king's intention to bestow upon him the rank of baronet, is eminently characteristic. "As the pilot in charge of your vessel, I warn your Lordship (Lord Glenelg) of the danger, and if it be necessary that I should abandon my opinion, or the reward which is intended for me, I have no hesitation in at once renouncing the latter, for every hour of reflection makes me cling firmer and firmer to the former. I have now, as regards my instructions, opened my mind to your Lordship, without concealment or reserve; and it only remains for me to be equally explicit as regards my own private policy, or in other words, the manner in which I shall continue to carry my instructions into effect. In this I have no alteration to propose. In a moral contest, it never enters into my head to count the number of my enemies. All that guides me is a determination to do what is right. I will never shrink from responsibility, and will endeavour never to conciliate nor offend. The more I am trusted, the more cautious I shall be. The heavier I am laden, the steadier I shall sail; but I respectfully claim the military privilege of fighting my own battles in my own way, and of retiring from your Lordship's service whenever I may find it advisable to do so."

man an ascendancy over his fellows. On the other hand, these materials for a statesman are a little marred by a love of effect and antithesis (in action as well as in language), by a rashness of judgment in the most important and complicated junctures, and, above all, by the undue preponderance which he invariably assigns to two or three leading ideas, to the exclusion of others which should balance and qualify them, and often in an utter oversight of counter-acting agencies. Although a Whig in England (he says he sometimes had even fancied himself a Radical), he no sooner touched the American shore, than he became possessed with an idea that the main object of his mission was to combat "democracy." He surrendered himself to his monarchical prepossessions on a soil the least congenial in the world; and the form of government exhibited by the United States became the predominant object of his aversion, and its deprecation the burden, as it were, of his despatches. His own opinion, as stated in his correspondence, is, that he saved Upper Canada. The real result of his policy cannot yet be determined with any accuracy. We must wait, till the agitation of the present deplorable time has subsided, before we can hope to ascertain the probable permanence of those feelings of loyalty and attachment to the British government which he considers to have been recalled into existence by his energetic agitation. For that he did *agitate*, he does not deny. If, indeed, it be true, that he has sown the seed in British America, of a calm and dispassionate preference of a constitutional monarchy to the democratic form, he will have been an

instrument of accomplishing a result of the greatest moment in the future history of mankind; and to which the events of the past year, the atrocious conduct of so many citizens of the States, and the now exposed helplessness of the federal government will powerfully conduce.

Notwithstanding, however, the voluminous correspondence which has been laid before us, the history of Sir Francis's administration is still enveloped in considerable mystery. The effects seem absolutely disproportioned to the alleged causes. Something more than therein is apparent would seem requisite to convert a disaffected into an enthusiastically loyal people. Sir Francis indeed states, very early in his mission, that the main body of the population were indifferent to politics, and only anxious for tranquillity, public improvements, and light taxation. It is indeed probable that the people had at the moment of the new Governor's arrival, become aware of the flimsy patriotism and the shallow wisdom of the self-styled reformers. The same process is now going on in the mother country. There is, also, much in the personal qualities of the late Lieutenant Governor to attract the affection and confidence of a British population; and it may be supposed that Sir Francis was no inconsiderable adept in the *electioneering* art. Perhaps he exerted himself more conspicuously and more effectively in this department than was quite becoming to his position, as representative of the Crown. If, however, the victory was won by a mere appeal to the good sense and right feeling of the people, it was one of the most remarkable political triumphs ever accomplished. Such results are

generally effected gradually and insensibly; but Sir Francis Head carried his point by a *coup de main*.

It may be well to contrast with Sir Francis Head's narrative, Lord Durham's account of these transactions, in which, probably, there is much substantial truth, and which throws some light on the real nature of the supposed "reaction."

"Upper Canada," says his lordship's report, "has long been entirely governed by a party commonly designated throughout the province as the 'Family compact,' a name not much more appropriate than party designations usually are, inasmuch as there is, in truth, very little of family connexion among the persons thus united. For a long time, this body of men, receiving at times accessions to its numbers, possessed almost all the highest public offices, by means of which and of its influence in the executive council, it wielded all the powers of government; it maintained influence in the legislature by means of its predominance in the legislative council; and it disposed of the large number of petty posts which are in the patronage of the Government all over the province. Successive Governors, as they came in their turn, are said to have either submitted quietly to its influence, or, after a short and unavailing struggle, to have yielded to this well organized party the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party; by grant or purchase, they have acquired nearly the whole of the waste lands of the province; they

are all-powerful in the chartered banks; and, till lately, shared among themselves almost exclusively, all offices of trust and profit.

“The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or emigrants who settled in it before the last war with the United States; the principal members of it belong to the Church of England, and the maintenance of the claims of that church has always been one of its distinguishing characteristics.”

He then proceeds to describe the nature of the opposition which this “monopoly of power” naturally provoked amongst the less fortunate classes in the colony, as well as the character of the disputes between the two parties. In the course of these, the “Reformers” often succeeded in obtaining considerable majorities in the Assembly. But their victory was never permanent; neither party has, for some time, possessed the majority in two successive Parliaments, and the present is the fifth of these alternating Houses of Assembly. The Reformers, however, according to the report, at last discovered that success in the elections insured them very little practical benefit; for the official party, still remaining in place and power, retained all the functions of the executive, and, backed by the legislative assembly, as well as armed with all the patronage of the province, it easily kept the assembly, when hostile, in check. Under these circumstances, the “Reformers” judged it advisable to concentrate their attacks upon the executive council—the citadel, as it were, of their opponents; conceiving that, by establishing the

responsibility of the executive council, they should secure the due subordination of the legislative, as a matter of course. Hence, as we have just had occasion to see, Sir Francis Head found that it was about the executive council that the main struggle lay.

But, while these two parties were contending for predominance, a third made its appearance, consisting of emigrants, who, though they are marshalled according to their position in society, and previous opinions among the two original factions are not the less united in the pursuit of a common object—the removal of the various disqualifications to which, as emigrants, they are subject, and which give them, it is alleged, the character of aliens in the land of their adoption.

In regard to the quarrel between Sir Francis Head and his own executive council, who, alleging their responsibility to the country, asserted their right to a more active interference in the administration, Lord Durham’s report proceeds in the following terms:—“The contest which appeared to be thus commenced on the question of the responsibility of the executive council, was really decided on very different grounds. Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the Assembly, embarked in the contest with a determination to use every influence in his power, in order to bring it to a successful issue. He succeeded, in fact, in putting the issue in such a light before the province, that a great portion of the people really imagined that they were called

upon to decide the question of separation by their votes. The dissolution, on which he ventured, when he thought the public mind sufficiently ripe, completely answered his expectations. The British, in particular, were roused by the proclaimed danger to the connexion with the mother country; they were indignant at some portions of the conduct and speeches of certain members of the late majority, which seemed to mark a determined preference of American over British institutions. They were irritated by indications of hostility to British emigrations which they saw, or fancied they saw, in some recent proceedings of the assembly. Above all, not only they, but a great many others, had marked with envy the stupendous public works which were, at that period, producing their effect in the almost marvellous growth of the wealth and population of the neighbouring State of New York; and they reproached the assembly with what they considered an unwise economy, in preventing the undertaking, or even completion, of similar works, that might, as they fancied, have produced a similar developement of the resources of Upper Canada. The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest, the result was the return

of a very large majority hostile in politics to that of the late assembly.

"It is rather singular, however, that the result which Sir F. Head appears really to have aimed at, was by no means secured by this apparent triumph. His object, in all his previous measures, and in the nomination of the executive councillors, by whom he replaced the retiring members, was evidently to make the council a means of administrative independence for the Governors. Sir F. Head would seem to have been, at the commencement of his administration, really desirous of effecting certain reforms which he believed to be needful, and of rescuing the substantial power of the Government from the hands of the party by which it had been long monopolized. The dismissal of the old members of the executive council was the consequence of this intention; but, though willing to take measures for the purpose of emancipating himself from the thralldom in which it was stated that other Governors had been held, he would not acquiesce in the claim of the House of Assembly, to have a really responsible colonial executive. The result of the elections was, to give him, as he conceived, a House of Assembly pledged to support him, as Governor, in the exercise of the independent authority he had claimed. On the very first occasion, however, on which he attempted to protect an officer of the Government, unconnected with the old official party, from charges which, whether well or ill founded, were obviously brought forward on personal grounds, he found that the new House was even more determined than its predecessor to assert its right to

exercise a substantial control over the Government; and that, unless he was disposed to risk a collision with both branches of the legislature, then composed of similar materials, and virtually under one influence, he must succumb. Unwilling to incur this risk when, as he justly imagined, there was no party upon whose support he could rely to bear him safely through the contest, he yielded the point. Although the committee appointed to inquire into the truth of the charge made against Mr. Hepburn refused to adopt a report confirming these charges, prepared by their chairman (by whom the accusation had been brought forward, and by whom the committee was virtually nominated), Sir F. Head persuaded the individual in question to resign his office, and to take one of very inferior emolument. From that time, he never attempted to assert the independence which the new House of Assembly had been elected to secure.

“The Government consequently reverted, in effect, to the party which he had found in office when he assumed the governorship, and which it had been his first act to dispossess. In their hands it still remains; and I must state, that it is the general opinion, that never was the power of the ‘family compact’ so extensive, or so absolute, as it has been from the first meeting of the existing parliament down to the present time.”

Such is Lord Durham’s view of the real character and substantial results of Sir Francis Head’s struggle with the “Reformers” of Upper Canada. His lordship could, of course, only speak from the information of others, and

what he says is to be received with allowance on that account.

Sir Francis Head having been recalled, under the circumstances before mentioned, resigned the management of the affairs of Upper Canada into the hands of Major General Sir George Arthur, who arrived at Toronto, on the 23rd of March. The new Lieutenant Governor was speedily followed by despatches from home, admonishing him that great circumspection would be requisite in carrying into effect any capital sentences which might be passed on political offenders, and that, “unless under circumstances of peculiar and pressing urgency,” it would be advisable to abstain from having recourse to the extreme penalty of the law.

Among the more prominent of the prisoners against whom proceedings had been instituted in Upper Canada, were Samuel Lount and Peter Mathews. The former, a native of the United States, had been, for many years, established in the district of Toronto, where he had acquired a considerable estate, and become a person of some importance, having sat as member for his county in the provincial parliament. The latter was an Upper Canadian by birth, and in affluent circumstances, as a yeoman. Both of these individuals had been very active in Mr. Mackenzie’s outbreak. Mathews, in particular, had headed the party who attacked the city at the time that Sir Francis Head was shut up in the Town-hall, on which occasion a bridge and several houses were set on fire. Being brought to trial, they pleaded guilty, and were sentenced to death; and, notwithstanding the exertions made to save them, the



law was allowed to take its course, and they were executed.

Lord Glenelg, upon being informed of this event, wrote to express his regret that these severities should have been thought requisite, and his earnest hope that no similar necessity might recur. Accordingly, it does not appear that more of the offenders suffered capital punishment. Great embarrassment, however, was occasioned by the multitude of prisoners whom it was alike inexpedient to pardon, and inconvenient to punish. Sir Francis Head had instituted a board of commissioners, with the Vice Chancellor of the province at their head, for the purpose of fully investigating the different cases, and classifying the offenders according to their degrees of guilt. The commissioners deemed it advisable to discharge a considerable number of the accused, on bail; others were merely bound over to keep the peace; and some were unconditionally set at liberty; of the remainder, a limited number, principally Americans, were simply banished from the province, while the residue, consisting, for the most part, of men of some property and influence, of decidedly disaffected principles, and too deeply implicated in treasonable practices to be fit objects of pardon, were sentenced to transportation to the penal colonies.

While the Government of the upper province was occupied by these and similar cases, the marauders on the American side of the border were making active preparations for a renewal of hostilities; and, on the 30th of May, a band of these outlaws, headed by one Johnson, boarded a British steamer, "the Sir Robert Peel,"

which was lying alongside a wharf at Wells Island, situated in the river St. Lawrence, and belonging to the United States. The passengers, having been robbed of their money and more valuable effects, were forced on shore, and the vessel was then set on fire, and abandoned. Lord Durham, who had only just arrived, incensed at this outrage, offered 1000*l.* reward for the discovery and conviction of the offenders. Johnson, however, set the authorities, British as well as American, at defiance. Celebrated for his address, no less than for his daring courage, he became the terror of the coast, and executed his schemes of plunder and violence with success and impunity.

The river St. Lawrence below Kingston, for a distance of about five-and-twenty miles, is studded with clusters of isles, known as "the thousand islands," and which, in fact, amount to nearly 1800 in number. Rocky, uninhabited, and covered with wood, they vary in dimensions from ten miles in length to points of not more than a foot square. The passages among them are narrow and winding, and often obscured by the overhanging foliage. It was among these river-fastnesses, so favourable for his purposes, that Johnson and his band used to lurk. Provided with boats of surprising lightness, they moved up and down the river with equal speed and silence, making their appearance when least expected, and baffling all pursuit.

We may mention, among the various enterprises of these and similar outlaws, the surprise and capture of a little party of provincial cavalry, in their quarters at a solitary inn in the Niagara district. Only seven in number, in-

cluding the serjeant who commanded them, they found themselves beset, two hours after midnight, by an armed body, consisting of not less than 100 men, who poured volleys into the house, which being of wood, every shot might penetrate. The troopers returned the fire with their pistols, as well as they could, and maintained themselves in an upper room, beating back their assailants as often as they attempted to ascend the stairs; nor did they surrender, till their besiegers, by introducing lighted straw into the lower part of the house, rendered their position no longer tenable. The brigands spared their lives, and, having carried them a few miles into the forest, set them at liberty, after in vain attempting to extort from them an engagement to serve no more against the "patriot" cause. This affair was no sooner known than the country was raised, and detachments of militia and volunteers despatched in pursuit of the enemy, who dispersed in every direction. The military succeeded in capturing James Morrow, (or Morreau) the leader, together with several others of the party, who were soon afterwards brought to trial, and convicted. Morrow, a native of Pennsylvania, was executed; the sentences of the remainder, with one exception, were commuted for transportation. However, the second individual selected for capital punishment, was ultimately spared, upon the interference of Lord Durham; a proceeding which Sir George Arthur warmly resisted, as an unwarrantable encroachment upon his own authority. He submitted to it only under protest and with great reluctance, "as unconstitutional,

and likely to lead to very painful results."

The preparations for invasion were, during the summer and autumn, conducted on the American side of the border without any attempt at concealment. The alarm and anxiety of the Canadians was, of course, proportionate, and Sir George Arthur devoted himself with the greatest assiduity to the defence of the province upon an extensive scale. But the lenity of the Government towards the prisoners had excited a strong feeling of dissatisfaction in Upper Canada. "I much fear," writes Sir George Arthur, "from the discontent prevailing amongst many of the militia, that even the most loyal of them will feel a reluctance to come forward, until the very hour of emergency, and when it may be too late to prevent a great deal of mischief. A feeling of lukewarmness has been created in the province, against which it is very difficult to work."

It should be, however, observed, that in Lord Durham's opinion, the local government erred on the opposite side of severity. "It cannot be doubted," writes his lordship, "that events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting, to disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicions and terrors of that trying period, and the use made by the triumphant party of the power

thrown into their hands, have heightened the passions which existed before. It certainly appeared too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded by the real guilt of a few desperate and imprudent men in order to persecute, or disable, the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property, and character. The whole body of reformers were subjected to suspicion, and to harassing proceedings instituted by magistrates, whose political leanings were notoriously adverse to them. Severe laws were passed, under colour of which, individuals very generally esteemed, were punished without any form of trial.

“The two persons who suffered the extreme penalty of the law, unfortunately engaged a great share of the public sympathy; their pardon had been solicited in petitions signed, it is generally asserted, by no less than 30,000 of their country-men. The rest of the prisoners were detained in confinement, for a considerable time. A large number of the subordinate actors in the insurrection were severally punished, and public anxiety was raised to the highest pitch by the uncertainty respecting the fate of the others, who were, from time to time, partially released. It was not until the month of October last, that the whole of the prisoners were dis-

posed of, and a partial amnesty proclaimed, which enabled the large numbers who had fled the country, and so long, and at such imminent hazards, hung on its frontier, to return in security to their homes. I make no mention of the reasons which, in the opinion of the local government, rendered those different steps advisable, because my object is not to discuss the propriety of its conduct, but to point out the effects which it necessarily had in augmenting irritation.”

During the interval which occurred between the departure of Lord Gosford and the arrival of his successor, the functions of government in the lower province devolved upon Sir John Colborne. His first care, after the termination of the revolt, concerned the disposal of his prisoners, of whom a considerable number remained in custody. Of these, it seems, 326 were, from time to time, liberated without further process, leaving about 161 in confinement, among whom, not less than seventy-two stood charged with being among the principal promoters of the insurrection. Little expectation was entertained that any of these individuals would be convicted, if tried by ordinary juries, and in the regular way. Lord Glenelg was apprised of this circumstance; but he, nevertheless, declined to sanction a resort to any other species of court, “without previously submitting to a practical test the anticipations as to the issue of trials by the ordinary tribunals.” Sir John Colborne was therefore instructed to take steps for reducing the number of prisoners on his hands, by allowing some of them, after arraignment, to plead guilty,

on an assurance, that the judgment recorded against them should not be executed, if they would consent to banish themselves from the province. From the remaining number, he was directed to select four or five cases, and bring them before the ordinary courts of the province, the juries being convened according to the existing practice. In case, however, this line of proceeding should not appear expedient, his Lordship suggested, that a law should be passed suspending the *Habeas Corpus* Act; and that the prisoners should be detained till Lord Durham's arrival. Sir John Colborne, however, was little disposed to try state prisoners under what he considered a certainty of their acquittal. He determined, therefore, that the prosecutions should be delayed till the arrival of the new governor-in-chief.

In the meantime, the news arrived of the new Act of Parliament which provisionally invested him with the powers which were to devolve eventually upon Lord Durham. Accordingly, on the 18th of April, in pursuance of his instructions, he nominated a special council, also provisional, and consisting of twenty-one members, of whom eleven were French Canadians, and two more natives of the province. The first care of the new council was to prepare a series of "rules and orders," for the better conduct of their deliberations. They then proceeded, without delay, to the exercise of their legislative functions, passing ordinances for such domestic objects as would have come before the local parliaments in the ordinary course, and, at the same time, taking the measures necessary to meet the peculiar exigencies of the time.

Among the latter class, we find enactments suspending the *Habeas Corpus*, and imposing certain restrictions on the publishers of newspapers. Three others, passed at the same time, demand more particular notice. The first of these was an ordinance to continue the local act for the transportation of offenders from the province to England, and from thence to New South Wales and Van Diemen's Land, which was on the point of expiring. The second ordinance provided that, upon the petition of any person charged with high treason, committed in the province, it should be lawful for the person administering the government, *before the arraignment* of the offender, to grant a pardon upon such terms as should seem proper, which pardon should have the same effect as an attainder, so far as regarded the forfeiture of the real and personal estate of the person therein named. And, further, that in case any person should be pardoned under that ordinance, upon condition of being transported, or of voluntary banishment, either for life or for a shorter term, and should afterwards return to the province, without lawful excuse, contrary to the condition of his pardon, he should be *deemed guilty of felony, and suffer death* accordingly.

Another ordinance enacted, that if a person against whom an indictment for treason, or treasonable practices, was found by a grand jury in the province, would not appear, he might be summoned, by proclamation, to surrender himself, by a given day, such day not to be less than three months from the first publication of the proclamation; and in the event of his failing to do so, should stand and be adjudged attainted of the crime

expressed in the indictment, and "suffer and forfeit" accordingly, and judgment be recorded to that effect. A further allowance of three months was granted in favour of any one, who, after such attainder by default, should shew that he had a sufficient excuse for not having come in before; in which case, he was to be allowed a trial as if no such attainder had passed.

The Special Council having, according to Sir John Colborne's report, "conducted the business of the session with unanimity and good feeling," was prorogued on the 5th of May. Martial law having been previously (27th of April) repealed in the district of Montreal.

Lord Durham did not land at Quebec till the 29th of May, when he immediately proceeded to the council chamber at the castle, and took possession of the government with the accustomed formalities. His Lordship, in a despatch to Lord Glenelg, expresses himself to be highly gratified with the cordial greeting which he received in the crowded streets, and "with the more than friendly feeling which seemed to animate the assembled multitude."

A proclamation was forthwith issued by the new governor, assuring the people, that he appeared among them "as a friend and arbitrator, ready at all times to listen to their wishes, complaints, and grievances," "without distinction of party, races, or politics."

On the 31st of May, being the day but one after his arrival, a circular was addressed to the respective members of the executive council, dispensing, in sufficiently complimentary terms, with their services, at present. His Excel-

lency, it was said, deemed it "essential for the object of his mission, that during the temporary suspension of the constitution, the administrator of affairs should be completely independent of, and unconnected with all parties and persons in the province."

The new executive council was composed of the secretaries to the general government, viz., Charles Buller, esq., M.P., Chief Secretary. T. E. M. Turton, esq. Secretary, Colonel G. Couper, Military Secretary, the Provincial Secretary, and the Commissary-general. The Special Council which had been convened by Sir J. Colborne was dissolved, without delay. Sir John Colborne himself lost no time, after the arrival of the new governor in tendering his own resignation as commander of the forces; alleging ten years service in that climate, as a reason for wishing to return to England. He added that "so many considerations public and private existed to induce him to come to this determination, that he trusted her majesty would not disapprove of his intentions."

Amongst the earliest measures of the new Governor, we should mention the mission of Colonel Grey to Washington, with instructions to expostulate with the Government on the state of things, which it permitted to exist on its own borders. Colonel Grey received from the President, as might be expected, the fullest assurances of "the sincere desire of the American government to preserve the good understanding existing with England," coupled with a promise of the fullest co-operation, which their means admitted, in any measures which Lord Durham might think necessary to adopt for

restoring the peace of the frontier. The President moreover repudiated in the strongest terms any ulterior designs upon Canada, and asserted that the annexation of that country to the union was not only far from being the wish of the government, but directly contrary to the interests of the United States.

Mr. Poinsett, the Secretary-at-war, in the course of an interview with Colonel Grey, expressed himself to the same effect and promised that in the passing of the measures then before Congress for the increase of the army, any suggestion from Lord Durham should meet with attention, and that, in the mean time, no measure for preserving the peace of the frontier should be neglected, if it lay within the power of the government to adopt it.

Of the many important matters, which Lord Durham found unsettled upon his arrival, the disposal of the state prisoners was, as he himself remarked, "by far the most delicate and dangerous." Nor was the difficulty of the subject diminished by the restrictions which the home Government thought it expedient to impose upon the Governor-in-chief. It has been already remarked that Lord Glenelg, was perfectly well aware that no convictions for offences committed in the late insurrection were to be looked for under the ordinary judicial procedure; yet with a full knowledge of this fact, he wrote on the 21st. of April, to Lord Durham in the following terms. "From the very commencement of the late disturbances, it has been, as your Lordship is aware, the earnest desire of the Government, that the utmost lenity compatible with the public safety should be exercised towards

the insurgents. This is a principle inculcated in my various despatches to the authorities of Lower and Upper Canada, and it is a principle supported by considerations not only of humanity, which cannot be in such cases admitted as the exclusive test of right conduct, but also of true policy in reference to the future well-being of the Canadas. You will, I am persuaded, enter into the views of the Government on this subject; and in order to enable you to act with promptitude in this respect, you are relieved from the restriction by which your predecessors were prevented, in case of treason, from giving an absolute pardon, or granting more than a respite, till the royal pleasure should be known.

"The power thus entrusted to you, of granting an amnesty, or pardon in all cases should, in the opinion of her Majesty's Government, be exercised largely, but not entirely without exception. Independently of persons committed on a charge of murder, to whose cases I have referred in my despatch of the 19th of March to Sir J. Colborne, as exceptions to the class of cases fit to be included in an amnesty, there must probably among the prisoners, be some flagrant and prominent cases of delinquency, which it would not be just or advisable to comprehend in the general lenity. These cases it will be for you to select, in order that they may be brought to trial. In the constitution of the tribunals before which these prisoners are to be arraigned, and in the conduct of the trials, her Majesty's Government are, after full deliberations, satisfied that there should be no further deviation from the established mode of legal procedure, than was sanctioned in my de-



this opinion before him, he seems at first to have entertained doubts, whether it would be expedient to allow the prisoners to be even landed on the island. He, however, determined to receive them, and was content to exact from them their parole of honour, that during their residence in the Bermudas, they would confine themselves within such limits, as might be from time to time prescribed by the authorities. "But," wrote Sir Stephen to Lord Durham, "I trust I may be excused for earnestly requesting your Lordship, that they may be removed from hence, at the earliest period compatible with the public service, and that no other persons under similar circumstances may be sent here, where there exist such difficulties in securing them, and such serious objections to their being allowed to reside."

Meantime, Lord Durham among other important objects, was applying himself to the consideration of questions connected with the management of the Crown lands, within his dominion.

The importance of at once promoting on a systematic and extensive scale, emigration from the mother country, as materially connected with the great objects of his mission, did not escape him. And he formed a design for making the Crown lands more subservient to this purpose than they had hitherto been under a system in which, to use his Lordship's own language, "this most valuable public property appears to have been squandered, without regard to the public interest, and almost without benefit to the majority of those who expected to profit by the profusion."

Indeed, we have only to turn

our eyes to the United States to learn what may be effected by a judicious and uniform system for the sale of public lands.

With a view to originate some such comprehensive management, which should embrace the whole of the North American colonies, Lord Durham issued "a commission of inquiry into the disposal of Crown lands," and the best mode of promoting emigration to the Canadas, and directed similar investigations to be instituted in the other colonies subject to his control. "It appears to me indispensable," writes his Lordship "that, whatever may be the system adopted, it should be extended to the whole groupe of these colonies, without exception; for it is plain, that in a country so intimately connected as these are by the St. Lawrence, two or more different systems in different places, could not but operate in counteraction of each other."\*

On the 4th of July, the Governor-in-chief commenced a progress through the two provinces. He arrived at Montreal on the 6th, where he was received with great

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\* Lord Durham (Report) says, "the system of the United States seems to combine all the chief requisites of the greatest efficiency. It is uniform throughout the vast federation; it is unchangeable save by Congress, and has never been materially altered; it renders the acquisition of new land easy, and yet, by means of a price, restricts appropriation to the actual wants of the settler. It is so simple as to be readily understood; it provides for accurate surveys and against needless delays: it gives an instant and secure title; it has produced to the United States a revenue which has averaged half a million sterling, annually, and has amounted in one twelvemonth to about four millions sterling,"

cordiality by all classes. From Montreal, he proceeded to Kingston, passing through the "thousand islands," where the pirate, Johnson, still lurked. At Niagara, he reviewed the troops, and had an interview with Sir G. Arthur. From thence, continuing his route by Fort Erie, he obtained a distant view of the town of Buffalo, on the American side of the lake, the head quarters of the robbers and pirates who were infesting the country. Speaking of this town, he says, "its extent and appearance is surprising, the size and respectability of the buildings, and the number of the masts which I could discern in the harbour, prove the value of the commerce, and the wisdom of the arrangements which have thus created, in about ten years, a city in the midst of the wilderness."

His Lordship having visited Toronto, where his reception was warm and enthusiastic, returned to Montreal, on the 24th of July. We fear, that much importance cannot be attached to complimentary addresses, and the shouts of a populace, whose curiosity and love of change, are stimulated by the appearance of a new ruler. Lord Durham, doubtless, enjoyed abundance of such marks of popular favour. "Everywhere," he informs Lord Glenelg, "in the most insignificant village, as in the most populous town, I have been received with the utmost enthusiasm; in fact, in no part of England have I ever been more warmly greeted, or received more unequivocal marks of respect from all ranks and classes. I announce this fact with much satisfaction, as it is an unerring mark of the feelings with which the measures which I have adopted for the public good, have

been regarded by the great majority of the inhabitants of the two provinces."\*

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\* Sir Francis Head, of whom Lord Durham's report speaks disparagingly, retaliates by ridiculing in his "Narrative," the Governor's travels. "It is said, that his Lordship came up the St. Lawrence in a steam-boat exclusively appropriated to himself and his suite; that on arriving at Kingston he landed to receive an address, and then proceeded to Niagara, where he passed the county town without receiving the address that was framed for him or conversing with its inhabitants; that at the Falls, he remained about four days, part of which time, he was unwell, part was devoted to military review, and the greater part in receiving Americans and others who attended his Lordship's levees, balls, and dinners. That thus intently occupied, he had not time to visit the most interesting parts of the Welland canal, which was within six miles; that at the seat of Government, Toronto, he spent twenty-four hours, principally occupied with a levee, receiving addresses, and with a state dinner; that his Lordship then made the best of his way back to Montreal; and that in such exclusive dignity did he travel, he would not allow the public mail to be taken on board, by which it was delayed a day. If the above reports be correct, it would appear that his Lordship left Lower Canada only for ten days, during which time he had to travel by water about 1,000 miles."—"Mankind are always led by appearances, and I, therefore, will not deny, that as my Lord Durham surrounded by a brilliant staff, and unprejudiced by the conversation of a single Canadian, ascended the great St. Lawrence, and traversing Ontario, which is forty miles broad, proceeded to Niagara, the fine hotel of which had been previously cleansed of every visitor, his Lordship's career, resembled the course of a heavenly meteor."—"Yet I beg leave to say, that, in my humble opinion, his Lordship had not as much means of writing the history of the American and Canadian territories between which he sailed, as poor blind Lieutenant Holman, R. N., would have possessed, had he socially travelled the same distance by public conveyances."

sion, that rigour and clemency are but relative terms, according to the particular circumstances of any given community.

Penalties which are perfectly suitable to one state of society, become intolerably barbarous when applied to another. The efficacy of punishment is entirely dependent upon public opinion; its utility in any given case, as well as its degree, must, therefore, be measured by the sympathies of the people, in whose presence it is to be exhibited. If it exceed, or if it fall short of what the interests of public justice are generally thought to demand, it will be alike faulty. For, in the latter case, the people will, as we have before observed, help themselves to vengeance, and wrong-doers will attribute to feebleness or to sympathy with themselves, the forbearance which really takes its rise in humanity.

Lord Glenelg's adherence to the ordinary mode of trial, is, in all probability, the key to Lord Durham's anomalous ordinance. Disabled as he was from punishing the prisoners, all that remained to him was to get rid of them. But, in so doing, it was particularly necessary that he should be cautious to keep them from the bar of a criminal court. Instead, therefore, of arraigning them in the usual way, he was compelled to take their confessions out of court, and for similar reasons, was precluded from allowing them a day "to come

in," and be tried in the bill of attainder, which he passed against the fugitives.

It is very much to Lord Durham's credit, that under the circumstances in which he was placed, he refrained from taking advantage of the existing condition of the jury law in the province. Had he been so inclined, he might have acted up to the letter of his instructions, and, at the same time, effectually secured the conviction of such offenders as it might be deemed expedient to bring to trial. In consequence of the expiration of a temporary and local act, the composition of juries is stated to be at present altogether in the hands of Government. The public have no security for the fairness of juries beyond what is afforded by the character of the administration. There is no visible check on the sheriff; he can pack a jury, as often as he pleases, "When I arrived in the province," says Lord Durham, "I was, on the one hand, informed by the law officers of the crown and the highest judicial authorities, that not the slightest chance existed, under any fair system of getting a jury, that would convict any of these men, however clear the evidence of their guilt might be; and, on the other side, I was given to understand, that the prisoners and their friends supposed, that, as a matter of course, they would be tried by packed juries, and that even the most innocent of them would be convicted."

## CHAPTER XIV.

*Early commencement of the attacks upon Lord Durham in Parliament—Lord Chandos's Motion respecting the Expenses of his Mission—Lord John Russell's Speech—Mr. Lambton—Sir Robert Peel supports the Motion—Lord Palmerston—Division and small Majority—Questions in the House of Lords respecting the Appointment of Mr. Turton—Sir Edward Sugden raises a question as to the legality of Lord Durham's Special Council—Lord John Russell—Mr. O'Connell ridicules Sir E. Sugden's doubts—Main attack opened upon Lord Durham by Lord Brougham—The Ordinance—Discussion in the House of Lords concerning its Legality—Lord Melbourne's Speech—Lord Brougham's Rejoinder—Lord Brougham's Bill—Debate thereon—Effect of Sir William Follett's proviso in the Canada Government Bill—Lord Glenelg and the Lord Chancellor oppose the Bill—Lord Lyndhurst's Argument—Lord Melbourne's attack on the Duke of Wellington and the Conservatives—The Duke's Reply—Ministers resolve to annul the entire ordinance—Question raised respecting the legality of Sir John Colborne's ordinances—Lord Brougham declines to give an opinion thereon—Lord Mansfield—Observations on Sir J. Colborne's ordinances—Lord Melbourne's explanatory clause—Withdrawn—Bill stripped of its declaratory character and converted into a mere act of indemnity—Lord Brougham moves the third reading with reluctance—Lord Chief Justice Denman opposes the Bill—His remarks on Lord Durham's conduct—On Bills of indemnity in general Has doubts about the illegality of the transportation to Bermudas—Bill read a third time, and passes the House of Lords.*

**I**T would have been too much to expect, that the forbearance so ostentatiously accorded to Lord Durham by the opposition, at the outset of his mission, would be of any long continuance, and accordingly, the first Parliamentary attack upon that Nobleman was

made so early as the 2nd of April, in the House of Commons, by the Marquess of Chandos, who proposed a resolution, declaring it to be the opinion of the House that the establishment of the Governor General of the Canadas should be conducted with every

degree of economy consistent with the due remuneration of the persons employed, and proposing the expenditure of Lord Gosford which amounted to somewhat upwards of 12,000*l.* yearly, as a proper precedent.

Lord Chandos commenced his speech, upon this occasion, by saying, that he felt it to be his duty to give the House an opportunity of expressing its opinion, before the Earl of Durham's departure, whether or no it was desirable that the expenses of the proposed establishment should be confined within certain limits? Although the noble Earl gave his own services for nothing, he thought that the acceptance of this gratuitous offer would turn out to be more costly to the country, than an arrangement, under which, a stated recompense would have been provided, and a certain scale of expenditure agreed upon. If report spoke true, the noble Earl's mission was to be on a footing of unusual splendour, and Lord Chandos said he wished the House to consider, whether it was expedient to authorize him to incur an unlimited expense. He found in the memorandum of salaries, that no remuneration was set down for the Governor General; nor for his private secretary, (Mr. E. Ellice, junior, M.P. for St. Andrew's). But besides his private secretary, Lord Durham was to take out four others; there was the chief secretary, at 1,500*l.* a year; there was the military secretary—he was to receive 700*l.* a year; and then there were two assistant secretaries or clerks, at 600*l.* a year. These salaries of the secretaries amounted altogether to 2,800*l.* per annum; the salaries of Lord Gosford's secretaries

amounted to 1,505*l.* per annum. Why the noble Lord should take with him this number of secretaries, and at so great an amount of cost to the country in salaries, Lord Chandos said, he could not conceive. He believed there never was an instance before of a person, being similarly employed, requiring so many attachés as did Lord Durham. After the secretaries, came another person, described as the noble Lord's "legal adviser." Now there were already in Canada an Attorney General and a Solicitor General, with a salary of 500*l.* per annum each; and when it appeared that there was another legal adviser proposed, with a salary of 1,500*l.* per annum, it was surely of importance that they should know who this legal adviser was to be. Lord Chandos said it was apparently intended, that the officer in question should in a great measure supersede the other legal Gentleman he had mentioned and it was unquestionable that very great responsibility would devolve on him. It further appeared that the Lord High Commissioners was to have the services of four paid aides-de-camp. Now he had ascertained that the Duke of Wellington, when Field Marshal in 1815, found that six paid aides-de-camp were sufficient: and when he subsequently had the command, not only of our own army, but of the allied troops of all the foreign nations engaged with us in carrying on the war, he had only four.

Lord John Russell opposed the motion in a speech of considerable power. He characterized it, with some appearance of justice, as merely an attempt at attack, upon a minor point, when all the assaults upon the greater part of the mea-

sure had failed. It was a mistake, he said, to suppose that Lord Gosford had received a salary. He had been sent to Canada with the mere ordinary form of having his expenses paid. Moreover the two cases did not admit of comparison. Lord Durham, besides being Governor General of Canada, was also High Commissioner over other provinces in North America, and in addition to his other most important duties, he had, together with a Council to be named by himself, to frame laws for the regulation of Canada until the Legislature, to be afterwards sanctioned by Parliament, was established. It was to be recollected, too, that a Legislature had existed in Canada during the time that Lord Gosford was Governor. The amount of the sums paid in the year to the Speaker and the Members of the House of Assembly, during the time that the constitution was in force, was very considerable; and would now, of course, be carried to the expenses of the general government.

With respect to the ridiculous exaggerations current on the subject of Lord Durham's establishment, Lord John Russell remarked, that as to the particular number of servants and grooms which Lord Durham meant to take out, he could not give the noble Lord any information respecting them; but he was fully aware that unfounded rumours had been circulated for the purpose of injuring Lord Durham's reputation. Thus it had been reported with respect to the number of aides-de-camp appointed by Lord Durham; it should be recollected that the situation, which the noble Earl was called upon to fill, was more analogous to that of a Lord-lieu-

tenant of Ireland, or Governor-general of India, than to that of an ordinary governor. The Lord-lieutenant of Ireland had always four aides-de-camp, and generally more. It was unfair to talk of the Duke of Wellington, for the purpose of exciting a prejudice. The number of aides-de-camp were rather to be considered in reference to the dignity and rank of the person to whom they were attached, than the active services to be rendered. Besides, said the noble Lord, there was one good reason for giving Lord Durham a sufficient number of aides-de-camp. He might wish to make confidential communications with the other Governors of the North American provinces, or the British Minister at Washington, and might think it better to intrust an aide-de-camp to proceed with them, than transmit them by post, or send them by a common courier. Upon the subject of the appointment of a legal adviser, it might be observed, that peculiar duties were imposed upon Lord Durham; for he had to consider whether he should bring forward certain propositions, for the purpose of their enactment, before the Special Council, of which he was himself to be the head. It could hardly be expected that he should propose such measures as under the circumstances would be required, without the legal advice of a person fully competent to discharge that duty towards him. Lord John then enumerated a variety of "special missions," in which large expenses had been incurred; and detailed the sums charged, and the individuals receiving them, for the purpose of showing that Lord Durham was not the first person sent out by this country, on a diplomatic mis-



sion, without being required to fix a very exact limit to his expenses before hand. He concluded by entreating the House not to allow that to be done indirectly, which could not be effected, if attempted in a more honest and open manner. If, said he, they were satisfied with Lord Durham's appointment, let them not throw impediments in his way, nor by hesitating about expense, imply any want of confidence which they were not inclined to express in direct terms.

Mr. Hume said, that it was the first time he ever heard economy professed by the Gentlemen on the other side, and he could not believe that they were serious. But what was the amount of the expenses of the mission, as appeared by the papers before the House? Not more than 3,500*l*. There was nothing to lead the House to suppose that a greater expense would be incurred, than Lord Gosford's mission had occasioned. He looked upon it as a mere party motion got up to annoy ministers, and retaliate for the impediments thrown in the way of the Marquess of Londonderry's abortive mission to Russia. It was no question of economy, and he would not support it.

After a speech from Mr. Lambton, complaining of the want of courtesy displayed by Lord Chandos in his mode of introducing the question; Sir Robert Peel said, he felt it necessary to address the House, after the extraordinary imputation of unworthy motives to the Marquess of Chandos, in consequence of his motion on a subject affecting the public expenditure. As for Lord Durham's qualifications, respect for the Royal prerogative would prevent him from discussing them; but it was

the absolute right of the House of Commons to entertain questions with regard to the expenditure of the country. Sir Robert said, he did not find fault with Lord Durham; he considered that Ministers were to blame. Who, he asked, ought to settle the amount of Lord Durham's expenses? Lord Durham himself, or the Treasury? It was evident from Lord Glenelg's letter to Lord Durham, that the latter was left sole judge as to the cost of his establishment.\* He was only surprised that Lord Durham, thus left to himself, uncontrolled by the Treasury, had not required a still more expensive establishment, though he still thought that Lord Durham's estimate of expenses was much larger than was necessary. In order to shew the difference between a Whig and Conservative Government, he would cite an analogous case to the present one. When he was in office, he had sent Lord Amherst to Canada; a nobleman of the first rank and character, and who had recently filled the office of Governor-gene-

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\* "Downing Street, March 24, 1838.

"MY LORD,—I have the honour to inform you, that a desire has been expressed by a Member of the House of Commons in his place, that a statement of your Lordship's establishment as Governor General of the British North American provinces and her Majesty's High Commissioner for the adjustment of certain affairs in Canada, should be laid before the House. Lord John Russell, on the part of her Majesty's Government, having assented to this request, I shall be obliged if your Lordship will furnish me with a statement of your establishment for this purpose.

"I have, &c.

(Signed) "GLENELG."

"The Right Hon. the Earl of Durham,  
G.C.B., &c. &c."

ral of India. His Lordship was designated as Governor-general of Canada, and also his Majesty's Royal Commissioner, and the duties to be performed were arduous and comprehensive. The establishment taken out by that Nobleman, consisted of a single secretary, besides a private secretary, and one clerk. The total charge of the out-fit did not exceed 1,000*l*. "I protest, therefore," continued, Sir Robert, "against the doctrine, which has been maintained, that because we, the opposition, question the expense of public establishments, you have therefore a right to answer us by saying, that our considerations are not those of public economy, but spring from hostility to the individual. The charge is unfounded. But this charge I do prefer against you, who have been the constant advocates of economy, that, when an individual, participating in your political sentiments is appointed to a public situation, you then shew a tendency to forget the principles which you have professed,—and then it is that you call the questions which we originate paltry questions, not deserving consideration; and then it is that you reconcile yourselves to an establishment when connected with the services of your own friend, which, had the position of political parties been reversed, he who sanctioned, he who advised your proceeding, would be the first, in high sounding-terms, to denounce, as aggravating the feelings of the country while suffering under distress, and as evidence of a wanton and profligate disposition on the part of Government. With what triumph would you have referred to the avowal that our finances were in such a state that

we could not part with a third of the soap-tax! How some of you would have dwelt on what I have before heard stated that a great number of the hand-loom weavers might have subsistence provided for them by the sum allowed to some extravagant establishment."

Lord Palmerston remarked, that without wishing to throw any imputation on the right hon. Baronet as having unduly encouraged expenditure, he must assert that the present Ministers could challenge a comparison on that score with their predecessors. In the first place, the Earl of Durham had no specific salary, whereas Lord Amherst went out to a colony, where as Governor, he would receive 4,500*l*. a-year, concurrent with his allowance as commissioner. With regard to the outfit, an allowance is never made for that purpose, in the case of a special mission all such charges being thrown into the general amount of expense. But Lord Amherst, besides having his own secretary, as mentioned by Sir R. Peel, had at his command, the secretary, and all the other officers attached to the colonial establishment of the Governor. As to the appointment of a legal adviser, there clearly existed circumstances in the present state of things in Canada to justify Lord Durham's desire to be seconded by the assistance of a person conversant with forms of law.

The House divided on "the previous question," which had been moved by Lord John Russell; and the Ministry narrowly escaped a defeat, the amendment of Lord John Russell being carried only by a majority of 160 to 158.

It was certainly in no auspicious moment, that Lord Durham thought of attaching "a legal ad-

viser," to his establishment. For questions and proceedings arose connected with this appointment, which were a source of early vexation to his Lordship, and which it is with reluctance, that we feel ourselves bound to notice.

On the 27th of April, after Lord Durham had sailed, the Earl of Winchilsea put the following question in Parliament, to Lord Melbourne. He had seen, he said, in a newspaper of that morning, that a legal adviser had been appointed for the Governor-general of Canada. Now, he begged to know, whether the individual, (Mr. Turton) mentioned in that paragraph, was not the same individual who had been at their Lordships' bar three or four years ago, in a case of shameful adultery?

Lord Melbourne replied, that it had been arranged, in the first instance, that a legal adviser should be appointed, but upon reconsideration it had been decided otherwise, and no appointment had taken place.

Three days afterwards, Lord Winchilsea renewed his interrogatories on this subject. He said, he understood, that Mr. Turton had not only left this country, but that he had accompanied the Earl of Durham. And he now demanded to know, first, whether a public situation of any sort had been offered to this gentleman? Secondly, whether he had received any promise of an appointment on his arrival in Canada? And, thirdly, whether any part of his expenses were to be defrayed by the public?

To this enquiry, Lord Melbourne returned the following answer. "I say, first of all, that no situation whatever was offered

by her Majesty's Government to the gentleman to whom the noble Earl has alluded; and next, that he has gone out to Canada, if he has gone out at all, which I do not mean to deny, without any appointment, without any prospect of an appointment, and without any intention on the part of Government, or on the part of my noble Friend, the Earl of Durham, to appoint him to any public situation whatever."

The subject, however, did not drop here; on the 2nd of July, Lord Wharncliffe stated, that it appeared by the Quebec Gazette, that Mr. Turton did go out to Canada in the same ship, and in the same society, with Lord Durham, and that he had been appointed to the situation of second secretary to the Government. And, the noble Lord remarked, that he could not reconcile this fact with Lord Melbourne's answer to Lord Winchilsea, on the two preceding occasions above adverted to.

Lord Melbourne could not deny the accuracy of Lord Wharncliffe's statement. He believed, that the despatches received from Lord Durham contained no account whatever of the appointment in question. The statement, however of the Quebec Gazette, left him in no doubt of the fact. As to himself, he could only say, that it was with concern and surprise, that he saw, that appointment announced. At the time that he made the statement in the House, that had been referred to, he felt confident that no such appointment would take place.

Shortly afterwards, Sir Edward Sugden attacked Lord Durham in another vulnerable point. It has been already stated, that his Lordships' special council consisted of

but five members. Sir Edward Sugden contended, that although the act did not expressly say, that there should be more than five councillors, yet the inference was irresistible, that five being required to constitute a quorum, the body itself to which it was to furnish such quorum, should consist of a larger number. In his opinion, therefore, the acts of this council would be void on the ground of irregularity in the formation of the body. He also objected to the composition of the council, selected, as the members were, from the Governor's own staff and household. It was a mockery to suppose that any control could be exercised over the Governor-general by such a body.

Lord John Russell thought, that the doubts suggested as to the legality of the constitution of the council, were without reasonable foundation.

In this opinion, the Attorney-general, concurred and defended in general terms, the course taken by Lord Durham in this respect, appealing to the popularity of that nobleman in Canada, as a proof, that the mode in which he was administering the government gave satisfaction to the people.

Mr. O'Connell said, that he could hardly express his delight at Lord Durham's success. That noble Lord had conciliated all parties, and every letter that arrived, expressed the satisfaction of the people of Canada. The learned gentleman expressed in emphatic terms, his approval of the spirit and policy of the "ordinance." He then proceeded to ridicule Sir Edward Sugden's legal objections. For his own part, he could not compliment that gentleman on his arithmetical dis-

covery, viz., that five did not mean five, but six or seven, more especially as from that very doubt might arise another insurrection. For those, who were striving for freedom in Canada, might say "Oh! but we will not obey these new laws, for the late Lord Chancellor of Ireland has pronounced them to be illegal."

Sir Charles Grey (one of the late commissioners) gave it as his opinion, that the council was perfectly legal in its numerical constitution.

The main attack, however, on Lord Durham was opened in the House of Lords, on the 30th of July, under the auspices of Lord Brougham. And it is but doing justice to that learned person's activity and perseverance to say, that having apparently determined on involving in one common misfortune and disgrace the ministers and their Governor-general, he pursued his object with the most unremitting ardour, and with consummate address. He not only accomplished the fall of Lord Durham, but he so contrived it, that all the odium of the transaction should attach to the ministers themselves. Accordingly on the day just mentioned, the noble and learned Lord called the attention of the upper House to the ordinance which had been passed by the Earl of Durham in council, and which, if carried into effect, would, he affirmed, involve the crime of murder, the whole proceeding being utterly at variance with law.

Seven days after, Lord Brougham again stated his objections to the ordinance. No power, he contended, to inflict pains and penalties upon individuals, who had not been brought to trial, was

conferred upon Lord Durham. General laws for the good government of the colony he might make, but subject to an exception which restrained him from altering any act of the British Parliament. Now, the ordinance in question contravened the provisions of the Act 7, William the 3rd, "for the trial of treasonable offences." If Lord Durham had the power of dispensing with that act, he might condemn, in every case, as traitors, men against whom no witness had been examined, and into whose alleged offences no enquiry had been made.

Lord Glenelg observed, that Lord Durham had been placed in a situation of extreme difficulty. On one side were parties calling for extreme punishments, on the other there was a demand for a complete amnesty. Lord Durham adopted a middle course, and when his decision was announced, it gave general satisfaction throughout the colony.

Lord Brougham replied, that whatever the noble Earl was desirous of doing in this respect might have been accomplished without a breach of the law. If he had said to parties accused, or suspected, "I won't bring you to trial, if you conduct yourselves properly," he would have effected his object in a legal manner. But instead of doing this, he said, "I shall send you to Bermuda, and if you leave that island, I declare you guilty of high treason."

Lord Melbourne, after advert- ing to the very extraordinary circumstances of the country which Lord Durham was called upon to govern, said, it was not fair to the steps they had already taken, or just to the interests of this great empire, to dwell with such

rigid criticism upon the first anomaly which might appear upon the face of these measures, or to lay stress upon every disparity which might exist between the practice in Canada and in this country. If the House considered that the powers entrusted to Lord Durham had been imprudently or unjustly exercised, it behoved them unquestionably to interfere. But if they did not see ground for such interference, then, said the noble Lord, there is but one other course—to exercise some confidence, to place some reliance, instead of constantly interrupting proceedings, by perpetual comments on them, and weakening your own authority, by condemnations which it is not intended to follow up. All governments, continued Lord Melbourne, had their faults and their errors, their *ingenita vitia*; and, in consequence of party spite, of political attacks one upon another, of personal dislikes and animosities, the enemies of the country, whether foreign or domestic, have always found their greatest assistance and encouragement in the bosom of the legislative assemblies of the country.

With respect to the ordinance in question, with the exception of that part of it which related to Bermuda, and in which the Governor and council had fallen into an obvious error, he declared his belief that the whole of the remainder was perfectly legal, and warranted by the powers which Parliament had committed to Lord Durham.

Lord Ellenborough contended that all the penal provisions of the ordinance were illegal. The smallest deviation from constitutional principles, on the part of a constitutional government, was



fraught with danger. Such as had a different origin might, indeed, venture on courses consistent with despotism, but the whole transaction was alien from the spirit of British jurisprudence.

Lord Brougham's rejoinder to Lord Melbourne's observations, respecting the evils which might arise out of the discussion of the acts of public functionaries, was very animated. "Popular government, it was said, like all others, had its evils. Who denies it? But I was not prepared to expect that that should be set down among the mischiefs which I reckon the greatest beauty, the highest benefit, the most ample advantage, the consummate glory of a popular constitution—namely, that it abhors arbitrary power, courts publicity and investigation, challenges enquiry, defies opposition, stands upon its own merits, and above all, never seeks to skulk in the recesses of irresponsible power." "Am I," he continued, "to be told and taunted that party feeling is at the bottom of this enquiry, that factious strife is the cause? The House will remember that, during the earlier part of this session, I, upon every occasion, resisted the passing of this act, solemnly protested against its being made law, and stated that I would watch it when it came to be exercised, that I would scrutinize it and take care that its powers should not be exceeded—and am I now, at the end of the session, to be told that personal feelings have a share in these observations?"

The Duke of Wellington, though disapproving of the nightly attacks on Lord Durham, said "he really thought that steps should be taken to set the government of

Canada right on proceedings which appeared to be totally illegal. Lord Durham, he observed, "did not appear to know what he was about."

On the following day, Lord Brougham introduced a bill "for declaring the true intent and meaning of an Act passed in the present session of Parliament, intitled 'An Act to make temporary provisions for the government of Lower Canada,' and for indemnifying those who have issued, or acted under, a certain ordinance made under colour of the said Act." This bill was read a first time without remark. It came on for the second reading on the 9th of August.\* Lord

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\* We subjoin the material parts of the bill, as it originally stood. "An Act for declaring the true intent and meaning of an Act passed in the present session of parliament, entitled 'An Act to make temporary provision for the government of Lower Canada,' and for indemnifying those who have issued or acted under a certain ordinance made under colour of the said Act.' Whereas an act was made this present session of parliament, entitled 'An Act to make temporary provision for the government of Lower Canada;' and whereas doubts have arisen touching the meaning of certain parts of the said act. Now, for removing such doubts, it is hereby declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, that nothing in the said act contained shall be taken to empower the Governor of the province of Lower Canada, or the Governor with the advice and consent of the Special Council therein authorized to be appointed, to make any law or ordinance for altering or suspending the course of the criminal law within the said province, in any particular case or cases, or for attainting, or for subjecting to any pains and penalties, or otherwise punishing any person or persons not convicted by due course of law, or for declaring



Brougham, upon this occasion, having, by way of preface, propounded certain "canons of policy," by which the administration of the Government of Lower Canada, during the suspension of the Constitution, ought, in his opinion, to have been directed, said he would proceed to enquire how far those sound and moderate principles of common justice had been observed in the conduct of the Canadian council—how far the Government, by a system of prudence, temper, and moderation, had been engaged in conciliating the people, and preparing the means of conferring upon the

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any person or persons not so convicted, to be guilty of any offence for refusing to leave the said province, or for coming within the same, or for not returning within the same.

II. And whereas a certain law or ordinance hath been made and published by the Governor of the said province, by and with the advice and consent of Special Council, bearing date the 28th of June last, entitled "An Ordinance to provide for the security of the province of Lower Canada," which ordinance cannot be justified by law, but was so much for the service of the public that it ought to be justified by act of parliament, and all persons advising, or acting under, or in obedience to the same, indemnified. Be it hereby enacted, that all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which have been or shall be prosecuted or commenced against any person or persons for or by reason of any act, matter, or thing advised, commanded, appointed, or done in relation to the premises, be, are, and shall be discharged and made void by virtue of this act; and that if any action or suit shall be prosecuted or commenced against any person or persons for any such act, matter, or thing so advised, commanded, appointed, or done, he, she, or they, may plead the general issue, and give this act and the special matter in evidence."

colonial connexion a character of stability and permanence? and he felt bound to say that he could find no evidence that such conduct had been pursued. If he had said to their Lordships, at the time the Canada bill was passing, "Do you mean to suspend the Constitution, and to arm a dictator with the power of confiscating any individual's property—of seizing his person—of condemning him unheard—of passing bills of pains and penalties of his own mere notion—and, with the assistance of his Council, of promulging against whom he chose, and for what he pleased, at any moment, acts of attainder?" If he had said, "Do you mean, in this bill, not only to make the Governor of Canada the supreme lawgiver, with his Council, but a judge civil and criminal in every man's case, without appeal," should he not have been told at once, and by every man who had supported the bill on the policy in which it had originated, that he was putting an extravagant gloss upon the bill, that he was arguing upon the letter against the spirit, and that no man living would ever have dreamt of conferring such powers? But, to make it more clear elsewhere, in the other House of Parliament, that no such unlimited power had been given, a great lawyer of the present time, he meant Sir William Follett, not being satisfied with what had satisfied them, inserted words to which their Lordships' attention had more than once been called by him—a proviso expressly declaring that no law or ordinance of the Governor in council should be passed which should repeal, or suspend, or alter, any act of the British Parliament.

Now, having tied up the hands of the Governor in council from altering the law made for the protection of all, should they allow him to evade the restriction, and to make a law for the oppression of an individual? "But," continued Lord Brougham, "suppose I had predicted that this Governor, not content with passing bills of attainder in the usual way, odious as they are, taking care to have the confession of the party, or to appoint a certain day for his appearance, and condemning him only in the case of default, would pass a bill, condemning to death, if they came within the country, persons who were never tried, have confessed nothing, there being neither plea nor hearing, having no notice, nor any summons giving them a day to come in, and to take their trial; supposing I had said that—what would have been the answer? that I was supposing a case which nothing but a distortion of the understanding, arising from hostility to the measure, and incurable prejudice, could suggest."

It had been avowed, indeed, that some of these parties had confessed their guilt. Now Lord Brougham said, he must contend that Wolfred Nelson, and the other persons peremptorily denied their having pleaded guilty. A paper, they said, had been handed to them for signature, which contained a confession of their guilt, but this they declined to sign, being willing to admit themselves guilty of resistance, but positively disavowing treason, or even sedition.\*

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\* The following is the letter on which Lord Durham is understood to have acted,  
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Lord Brougham then reverted to the measures directed against the absent offenders, and entered into some details regarding the practice, observed in bills of attainder generally. After showing that, even in them, a day was always named for the appearance of the

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in the case of the prisoners sent to Bermuda:—

"Montreal Gaol, June 25.

"My Lord,—We have some reason to apprehend that the expressions used by us in a letter addressed to your Lordship, on the 18th instant, may appear vague and ambiguous.

"Our intention, my Lord, was distinctly to avow that, in pursuit of objects dear to the great mass of our population, we took a part that has eventuated in a charge of high treason.

"We professed our willingness to plead guilty, whereby to avoid the necessity of a trial; and that to give, as far as in our power, tranquillity to the country; but whilst we were thus disposed to contribute to the happiness of others, we could not condescend to shield ourselves under the provisions of an ordinance passed by the late Special Council of the province.

"Permit us, then, my Lord, to perform this great duty, to mark our entire confidence in your Lordship, to place ourselves at your disposal, without availing ourselves of provisions which would degrade us in our own eyes, by marking an unworthy distrust on both sides.

"With this short explanation of our feelings, we again place ourselves at your Lordship's discretion, and pray that the peace of the country may not be endangered by a trial.

"We have the honour to be, my Lord, with unfeigned respect, your Lordship's most obedient humble servants,

"R. S. M. Bouchette,  
"Wolfred Nelson,  
"R. Des Rivieres,  
"L. H. Masson,  
"H. A. Gauvin,  
"S. Marchessaud,  
"J. H. Goddu,  
"B. Viger."

offenders, he then proceeded to indicate various blunders and misnomers, on minor points in the ordinances, which would have precluded the conviction of the parties concerned, in a court of justice. It was manifest that a bill of indemnity was required. He could not, however, undertake, in the bill which he had drawn up, to indemnify for all that had been done. An indemnity should be provided, as regarded the nine persons said to be sent to the Bermudas; but he doubted as to the expediency of going so far as to indemnify the men, who had done so strange a thing as to condemn to death persons who had not had the benefit of any form of trial, or who, having been guilty of a misdemeanor only, were attainted, as was the case, for high treason. He could not, therefore, consent to extend the indemnity to such cases.

Before proceeding further in our account of the discussions that took place upon the subject, it may be convenient to direct the reader's attention to the proviso introduced into the Canada government act by Sir William Follett, and referred to by Lord Brougham in the foregoing speech. The proviso itself will be found in the third chapter of this volume, where also, in our notice of the discussion which accompanied its insertion in the act, we were careful to mark, with as much precision as the reported words of the speakers on that occasion enabled us to do, the sense which, by common consent, seemed to be then assigned to this clause. It will be seen, on a reference to that chapter,\* that the apparent inten-

tion of Sir William Follett was merely to restrain the Governor and Council from interfering with the clergy reserves, the ecclesiastical system as established by law, and the land tenures; but, at the same time, it must be admitted that certain expressions are reported to have fallen from the learned gentleman, which might authorize that greater latitude of application to the terms of the proviso, which, taken by themselves, they certainly demand. Lord Brougham, it will have been observed, contended for this last mode of construction; while Lord Glenelg and the ministerial speakers, relying on Sir William Follett's alleged explanation of the clause, claimed for it a much more limited interpretation.

The bill introduced by Lord Brougham on this occasion, was so loosely framed that it afforded Lord Glenelg, who followed in the debate, some fair occasion for criticism. The second clause contained the following words:—"which ordinances cannot be justified by law, but are so much for the service of the public, that they ought to be justified by an act of parliament." Thus, said Lord Glenelg, the learned Lord, after denouncing the ordinance, as fraught with gross and intolerable injustice, brings in a bill which distinctly states, that it was for the public service. No doubt the great question was, whether this ordinance was justified or not by the exigency of the case. Let them look, he said, at the position of Lord Durham, called upon, as he was, to take some step on his own responsibility. How did he act? Why, he took the course which, according to those who most condemned his measures,

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\* Chapter iii.

the public service required. Surely he might rest Lord Durham's defence on the declaration to that effect in the bill; and on the testimony of Lord Brougham, that the noble earl had not exceeded the exigency of the case before him.

With respect to the proposed indemnity, Lord Glenelg argued that it was not usual to pass bills of indemnity for a current transaction, or till the matters in question had been brought to a close. But this bill contained an unexampled proposition; it provided indemnity for the continued exercise of an illegal act, guaranteeing the parties, not merely from the penalties which they might have incurred, but against those to which they might hereafter become liable.

The noble lord then addressed himself to the main scope of the bill. Certain doubts having been entertained with respect to the legality of the acts of the Canadian Government, it was proposed to pass a declaratory act, clearing up the doubts, and, at the same time, indemnifying the parties. Lord Glenelg, however, contended that there was no foundation whatever for such doubts; he freely admitted the invalidity of that part of the ordinance which extended the operation of the Canada Government Act to the Bermudas: but he thought that the better course to pursue with respect to this transaction, would be, to inform the Governor of those islands that the prisoners from Canada were no longer to be detained in his custody.

At the same time, Lord Glenelg undertook to maintain the legality of the remaining part of the ordi-

nance. By the act of that session, the Governor in council was invested with the powers before possessed by the colonial legislature. It had been contended by Lord Brougham, that by the act of 1774, the criminal law of this country had been transferred to Canada; and, consequently, that the Canadian legislature was incompetent to make any change therein; but it happened that that very act expressly permitted such alterations to be made, from time to time, as the legislative authorities might deem expedient.\* Since, therefore, the colonial legislature would be empowered to make this ordi-

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\* The 11th section of the act (14 Geo. III. c. 83) is as follows. "Whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted that the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence, as in the method of prosecution and trial, and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail before the year 1764, subject, nevertheless, to such alterations and amendments as the Governor, Lieutenant Governor, or Commander-in-chief for the time being, by and with the consent of the legislative council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner hereinafter directed."

The 15th section provides "that no ordinance touching religion, or by which any punishment may be inflicted greater than fine, or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation."

nance by the act of 1774, the present Governor General, exercising similar functions, possessed a similar discretion. This article of the act of 1774 was ratified by the act of 1791.

But, continued Lord Glenelg, the learned Lord had relied upon Sir William Follett's proviso. Now, what was the history of this proviso, and the intentions of its author? During the discussion of the bill in the other House, Government was asked whether they meant to authorise the Governor in council to alter the act of 1791, or any act relating to *tenures*? The reply to this was, that no such intention was entertained, and that it was very unlikely that the Governor and council would think of interfering with the subject. Upon this, it was observed, that such intention being disclaimed, the better plan would be to remove all possible doubt, by the insertion of a proviso to that effect.

Lord Glenelg then proceeded to show, that the very terms of the proviso itself indicated an intention to confine its operation within the limits contended for, but as this branch of the argument was more fully and precisely developed by the Attorney-general whose speech in the other House we shall notice presently, it may be unnecessary to follow Lord Glenelg any further on this point.

In conclusion, Lord Glenelg observed, that the bill before the House, was obviously no mere declaratory act, but a new law, restricting the powers which the act of that session had already conferred upon the Governor in Council. It would, however, be equally inexpedient and extraordinary, if, having invested Lord

Durham with plenary authority, they were suddenly to abridge the powers which he had been led to suppose he possessed. Such a course, besides its obvious injustice to the noble Earl, must, of course, impair the efficiency of his Government, and reduce his importance in the eyes of the Canadian people. It was a matter of grave importance to Canada, that the incipient tranquillity of the province should be left undisturbed, and, whatever might be the opinion entertained of this particular ordinance, the principal duty of the government would have been ill performed, if means had not been taken for excluding the refugees from the province.

Lord Brougham remarked in explanation, that the second clause was intended to apply solely to acts already performed, having been copied *verbatim* from an act drawn by the great Lord Mansfield.

The Earl of Ripon said, that Lord Glenelg's plan for getting out of the difficulty with respect to the exiles in the Bermudas—namely, by writing to the Governor of those islands to set them at liberty without delay was the most extraordinary way of meeting a case of the kind, that had ever come within his knowledge. With respect to the course to be taken with these unfortunate ordinances, Lord Ripon said it appeared to him to be necessary and indeed inevitable, that Lord Glenelg and the privy council should advise the Crown to disallow the whole act. The Crown could not be silent in the matter.

The Lord Chancellor remarked, that there was no doubt as to the fact, that these ordinances could not operate beyond the limits of

the province. The point at issue regarded their legality within those limits. The bill as it now stood, implied a supposition that the Canada Bill of the session did not authorise, this act of attainder. It seemed to him, that there was no foundation for this assumption. The act had given to the Governor the powers formerly exercised by the Legislature of the province; and it could not be doubted, but that that Legislature had full powers to pass any acts of a description similar to the ordinance in question. The proviso to which Lord Brougham had referred, as having been introduced by Sir William Follett, had not been framed with a view to restrain Lord Durham from making any alteration in the criminal law. But, at all events, the present bill would leave the difficulties of the case untouched. It only restrained the governor and council from altering, or suspending the course of criminal law within the said province, *in any particular case or cases*"; leaving them at liberty to deal at their pleasure with the community at large. It did not prevent them from altering the law itself, but merely from interfering with its operation in specific instances.

The second clause of the bill was still more open to exception. After declaring that certain acts of the Governor and Council were illegal, it proceeded to authorise similar proceedings in future. It was surely most extraordinary for Parliament to declare that these acts were illegal and then to authorise their repetition. But, asked the noble Lord, was it possible, that serious doubts were entertained as to the power of the Governor of the Canadas to pass

acts of attainder, which, if it were denied him, would leave him less authority than was possessed by the Legislature of the Upper Province, notwithstanding the difficulties of his situation, and the dangers which menaced the colony?

Lord Lyndhurst, it may be supposed, was not wanting upon this occasion. He spoke after the Chancellor, and with his accustomed lucidity of statement travelled over the objections to which the ordinance was open. He began by saying, that he was ready to admit that the noble Earl, at the head of the Government of Canada, whom he was proud to call his friend, had acted from the best possible motives. But it was, notwithstanding, the bounden duty of that House, as guardians of the law, to notice and to correct any illegality that might have occurred in that noble Lord's mode of administering the Government. Now it was not denied on the part of the Ministers, that so far as related to the Bermudas, an illegal act had been committed by the Governor and Council—that the noble Lord had assumed an authority which had not been conferred upon him by the act of Parliament, and that British subjects had been punished in a way contrary to the law of the land. This being the case, it became the plain duty of the Government at home, having the power, formally to disallow this proceeding, and to annul the ordinance. And unless he were given to understand that Ministers were prepared to adopt that warning, he should feel compelled to support the bill before the House.

The necessity of providing an indemnity for the past was apparent. He looked not merely to



Lord Durham, who would be liable to suits both civil and criminal, for violating the law in the persons of the individuals in question, but to all who had been in any way instrumental either in removing them to the Bermudas, or putting them under restraint when there. The prisoners, on arriving at the appointed place of confinement, could immediately obtain a writ of *habeas corpus*, and, as a matter of course, be set at liberty. Their next step would probably be to proceed against all the parties concerned in their deportation and detention. But to provide against this inconvenience, the noble Secretary of the Colonies had promised a measure of indemnity next session ! Why the legal proceedings would be concluded and the judgment pronounced long before the arrival of that period. They were of course bound to pass a bill of indemnity without the least delay. Lord Lyndhurst proceeded to say that he could satisfy the House, in a few sentences, that the indemnity was not required for one part of the ordinance alone — but that the whole of the proceedings under that act had been illegal. In the first place, he referred to the manner in which the special council was composed. The act of Parliament of course intended, that Lord Durham should be guided and assisted by a council of not less than five members, a substantial conclave, composed of able, discreet, and prudent men, conversant with the law and constitution of the country. Whereas an illusory council had in fact been appointed. The noble Earl had taken an admiral, two or three military officers, and one other person, who, Lord Lyndhurst be-

lieved, had belonged to the legal profession, but had never been in any considerable practice ; out of these materials was to be composed a council to advise and control the Governor. The control exercised by such an assembly was likely to be about as effective, as their advice, on matters of constitutional law, would be valuable. To this cause, and this alone, was the violation of the law ascribable. No council constituted according to the intentions of Parliament could have sanctioned the proceedings into which Lord Durham had been betrayed.

The noble and learned Lord then proceeded to examine the various acts of Parliament which determined the extent of the authority of the Legislature of the province, and showed that under them, the criminal law of England, as related to high treason was identical with that of Canada.

It was true that Lord Durham had in some respects, the same power as a Legislative Assembly, with regard to the modification of laws, yet certain material restrictions had been imposed upon his authority. Those restrictions had been introduced by Sir William Follett, who, Lord Lyndhurst said, had assured him that so far from intending that the proviso, which contained them, should be limited according to the construction now contended for, he had framed it with the very view of preventing Lord Durham from making any alterations in the criminal law. The ordinance created a new species of treason, by declaring that the persons named should be deemed guilty of treason, and suffer death accordingly, on being found at large, without permission in the province.

Was not this a contravention of the proviso he had just referred to? No doubt the act contained great powers, and went to a great extent, as regarded the suspension of trial by jury and of the *habeas corpus* in the colony, but it did not allow the governor to declare new treasons. Could it be for a moment asserted that the Parliament had intended to give Lord Durham and his five associates the power of banishing from the colony, on pain of death, men without trial, without defence, without notice, without liberty to come in and meet the accusation, if so disposed? This ordinance not merely involved an alteration of the English criminal law, but was at variance with its whole spirit, and a departure from its most essential policy.

The next speaker was Lord Melbourne, who began by remarking, that important as it was that legal and constitutional forms should be adhered to, it was of no less consequence that the authority of the Government and the administration of affairs should be upheld and maintained. The very circumstance that had induced Parliament, departing from constitutional practice, to invest Lord Durham with unusual powers, implied the further expediency of regarding a person so trusted with a more than usual degree of confidence. It would be a most erroneous policy to bring matters like those before the House, into discussion, with no better information than they possessed at present. Lord Durham's appointment had met, apparently, with general approbation, and were they now to withdraw their confidence, they would appear to have been laying a trap for the individual whom they had pretended

to invest with such important functions, and would be acting, not like a high-minded and generous nobility, but like a low and truculent democracy.

Lord Durham had been blamed for not nominating on his council any persons connected with the colony, or implicated in party transactions. That course was, Lord Melbourne said, in his opinion, the best that could have been adopted considering the state of party feeling in that country. Framed as it was, in exclusion of all persons committed to any of the existing parties, it was well calculated to secure the confidence of all classes. But it was impossible not to perceive that the efficacy of Lord Durham's Government would be diminished by these continued attacks. Better would it be, at once, to bring forward an address for the removal of that nobleman, than to take steps which must impair his authority, and perhaps result in the loss of the colony.

He did not mean to go into the legal consideration of the question. The object of the present bill was to declare that the Governor in council should not have the power to pass bills of pains and penalties, and of attainder. Considering the present state of Canada, he thought, that there was no power more necessary to those who were called upon to govern that province. When Lord Durham arrived, he found the prisons full, many persons proscribed, and the whole country a prey to the most violent animosities. Under these circumstances, with a view to give public satisfaction, and unquestionably under feelings of clemency, the noble Earl had resorted to the measures now complained of. The first class of per-

sons mentioned in the ordinance did not, it was true, technically plead guilty, but they put in a confession, upon which the proceedings in question were founded, proceedings, for which precedents might certainly be found. Lord Melbourne admitted that the individuals who had absconded from the province, stood in a different situation; nor was he prepared to say that there existed precedents for the course which, with regard to them, had been adopted. But it was quite impossible that this proceeding on the part of the Governor and council could have been accidental, or that it could have arisen from ignorance of the law, and the House might be assured, that there was some strong reason for it, and it would be wise before they condemned the measures, to ascertain what that reason was.

For himself, Lord Melbourne said, he had a great respect for the profession of the law, but this he must remark, let men be what they would, let them have of nature the greatest possible powers, and the most enlarged intellect, the invariable effect of that profession was to fetter their understanding. He thought that the House was then suffering in no slight degree, from this circumscription of mind. Should insurrection again break out in the colonies, after having by the present measure discredited those who were best able to suppress it, and encouraged every one disposed to abet it, it might possibly turn out to be a very poor consolation to be assured that they had enjoyed the very best special pleading that the subject admitted of.

The Duke of Wellington, against whom Lord Melbourne had been so ill advised as to di-

rect some insinuations, in the preceding speech, was induced to administer a severe rebuke to that noble Lord, whom he had so often shielded in the hour of need. The noble Viscount, said the Duke, as usual, taking advantage of the support afforded him on former occasions, had thought proper to turn round upon noble Lords upon that side of the House, and to reproach them with the consequence of measures produced by his own administration. He had accused them of not objecting to Lord Durham's appointment, of not expressing a desire to limit his powers, and of having urged the Government by all possible means, (here referring particularly to him, the Duke of Wellington) to send out large forces, and to take care to be strong in that part of the world. Advice which, his grace admitted, he did repeat over and over again until he had fatigued Ministers, and the House, and himself. But why had he refrained from objecting to give those large powers to Lord Durham? Because when he saw the Government in difficulties, and the colony in a state of rebellion, he had not thought it his duty to excite opposition to the measures which the Government deemed it to be expedient to adopt. He had taken those measures upon their recommendation. Very possibly he was wrong in so doing; indeed such appeared to be the case, but he had followed the course which he had considered it his duty to take; neither siding with those, who while they saw the country on the point of being involved in war, opposed all measures which were necessary for carrying it on; nor denying assistance to the absent, who might be conducting the Government to the best of their abili-

ty. He gave the Ministers a fair support, in order to pacify the country.

With respect to the noble Earl at the head of the Government of Canada, the Duke said, that he was personally unacquainted with him, and he considered that her Majesty's Government ought to have known best who was most qualified for the post. He had, therefore, raised no objection to Lord Durham's appointment, or to the powers with which he was entrusted. What had been the result? Lord Durham was appointed under an act which required the nomination of a special council. Had the noble Viscount given instructions to the Governor as to what persons were to be appointed members, or even stated the class of persons from whom it was to be selected? No such thing; and the Government having neglected their duty in this respect, what had been Lord Durham's conduct in consequence? He had appointed his own secretary, and his own aides-de-camp; and then the noble Viscount came and told their Lordships on the opposition side of the House, that they were responsible for the consequences of the measures which the Governor with his council so constituted might adopt.

With respect to the indemnity, the Duke insisted that it was indispensable. Justice demanded, that they should protect those officers and others who had been engaged in carrying into effect a measure which was admitted to be illegal. As to that part of the ordinance which referred to persons not yet in custody, his Grace said, he had no particular desire to pass a declaratory bill. On the contrary, he should be glad to

see the Government take some step which would prevent the necessity of resorting to such a measure.

It was quite impossible that the people of this country, could suffer any man to be driven into banishment without trial, or allow him to be afterwards put to death, unconvicted of any other crime, than that of returning to the country whence he had been illegally exiled.

After a few words from Lord Brougham, the House divided, when the bill was read a second time by a majority of 54 to 36.

On the following day, Lord Melbourne came down to the House with the information, that Ministers had resolved to advise the Queen to disallow the whole ordinance. For it seems, though the reason is not obvious, that they found it impossible to separate the unsound from what they still considered to be the sound portion of that enactment, or to annul part without repealing the whole. His Lordship communicated this intelligence to their Lordships with considerable solemnity. "I cannot but say," were his words, "that it is with the deepest regret and alarm that I have taken this course. Nor is it without the very great apprehensions of the consequences, that I have come to this determination."

The noble Lord then intimated his approval of the indemnity clause of the bill, but he thought the first clause went too far in depriving the Government of Canada of a power, which they might find it necessary to exercise. With respect to Sir William Follet's proviso, he observed, that as it now stood it left the law in a state of absurdity, since it bound the Go-

vernor and Council to the regulations of every act of Parliament, though on the most minute subjects. He supposed, therefore, that their Lordships would have no objection to the introduction of a clause in the present bill explanatory of the proviso, and stating, that it should not interfere with any measure that the circumstances of the country might render necessary. He should, therefore, when the proper time arrived, move a clause to that effect.

Lord Brougham in an exordium couched in a somewhat equivocal strain of compliment commended the Ministers for "their judicious, wise, politic, and most virtuous resolution." He was willing, he said, to abandon the declaratory portion of his bill; but he could not consent to arm the Government with enlarged powers. He did not agree with the noble Viscount in thinking, that it was ever the intention of Parliament to empower the Canadian Government to pass bills of pains and penalties and of attainder against individuals.

He did not wish to restrict whatever powers they, the members of it, already possessed; he was ready to leave the law as it stood, and to give an indemnity to all who contravened it, so far as regarded Nelson and his associates. But he was not prepared to extend it to all cases that might have happened. And it was his intention to introduce some words to that effect.

The Duke of Wellington was by no means inclined to sanction Lord Melbourne's proposed explanation of the proviso. Sir John Colborne had acted under the law as it stood, and must have found it sufficient for his purposes.

It is remarkable that this was the first occasion on which Sir John Colborne's ordinances were adverted to. The Marquess of Lansdowne, however, in the sequel of the discussion, remarked, that if the noble Lords opposite acquiesced in the mode in which that officer had exercised his authority—if they admitted, that he had not exceeded the law—Lord Melbourne's proposed clause would be to a great extent, unnecessary. Sir John Colborne had been permitted to pass an act of attainder, which had lain uncondemned, nay, unnoticed, on their table for six weeks. Ministers only claimed for Lord Durham the power which which was conceded to his predecessor. And he (Lord Lansdowne) now desired to be informed whether or not Sir J. Colborne was considered to have acted in conformity with the law.

Lord Brougham said, that, of course, Lord Durham's powers were co-extensive with those exercised by Sir John Colborne. "But," continued the learned Lord, "as to whether or no that officer has exceeded the limits of his authority, I beg to say, that the noble Marquess has put a question, which I do not feel myself at liberty to answer."

The Lord-chancellor observed, that according to the construction now sought to be put upon the act, the Governor of Canada could neither issue an act of attainder nor suspend the *Habeas Corpus* act; however imperatively the circumstances of the colony might demand such a departure from the customary mode of administering the law.

In the course of this discussion, Lord Mansfield is reported to have declared, that Sir John Col-

borne's ordinances were to a very different effect from Lord Durham's *containing nothing but a mere warning*, whereas Lord Durham's pronounced sentence of transportation without notice or time given.

This rash and erroneous assertion (if indeed, as it is hard to believe, it was really made in the terms of the report) is very illustrative of the spirit in which the attacks upon Lord Durham were conducted. In the preceding Chapter we have stated enough of Sir John Colborne's ordinances to show, that they were of a most stringent and severe description. It should seem, for instance, that an ordinance amounts to something more than a warning, which after authorising the Governor, upon the petition of any person charged with treason, preferred *before arraignment*, and praying for pardon, to grant such pardon upon such condition as should seem proper, proceeds to declare, that such pardon shall have the same effect as an attainder for high treason as far as regards the property of the offender; and further, that if any person pardoned under that ordinance, on condition of being transported, shall return to the province without permission he shall be deemed guilty of felony, and *suffer death as in cases of felony*. Or what would Lord Mansfield say of that other ordinance, the title of which explains its spirit, being made "for the more speedy attainder of persons indicted for high treason, who have fled from the province"? and which, though, no doubt, more in accordance with the forms of law, condemns men to death on default of appearance?

We will mention one other le-

gislative act of Sir John Colborne's which it would require some ingenuity to reconcile with Sir William Follett's proviso as construed in the House of Lords. It seems to be the second of the series of ordinances, and enacts, that an ordinance passed in the 24th year of King George the Third by the Governor and Legislative Council intituled "an ordinance for securing the liberty of the subject, and for the prevention of imprisonment out of the province," shall be suspended till the 24th of August following, so far as relates to treason and treasonable offences. This is surely, very like altering the criminal law.

It is not wonderful, that Lord Brougham "did not feel himself at liberty" to enter into a comparison between the respective acts of the two Governors, or that he should exclaim, as he did during the same debate, "God forbid I should say, that Sir John Colborne is liable to impeachment or action. Whatever opinion I gave, neither Lord Durham nor Sir J. Colborne will be the better for it, for they still must act on their own responsibility."

Lord Melbourne, in the course of the evening, moved the insertion of his explanatory clause which, after reciting the proviso, proceeded to declare, that it should not extend to prevent the Governor and council from passing such laws, as might be necessary for the safety of the province, or from providing for the punishment or detention of persons engaged in conspiracies against the Government.

Lords Brougham and Ellenborough contended, that this clause gave powers as large as those which were contained in the



Canadian Government Bill before the introduction of the restrictive amendments.

The Earl of Mansfield and Lord Lyndhurst suggested, that the proper course would be to frame a separate bill, declaratory of the true meaning of the Canada Act. Thus opposed, Lord Melbourne declined to press for the adoption of his proposed clause.

The necessity of taking some steps for the purpose of clearly explaining the real extent of the powers which it was intended the Governor should retain, was strongly urged by the Earl of Harrowby, who suggested also, that it might be desirable to declare, that there was nothing in the act to restrain the Canadian Government from passing bills of attainder in a manner warranted by the ancient practice of the English Parliament, nor from suspending the *Habeas Corpus* Act.

Lord Ellenborough, on the other hand, expressed himself of opinion that no colonial legislature ought to have the power of passing bills of attainder. But the power of suspending the *Habeas Corpus* Act was of a different character, and ought certainly to be possessed at present by the Canadian Government. Provided, however, care was taken that it should not be exercised without the co-operation of a *bonâ fide* special council.

The Duke of Wellington after noticing the various and conflicting opinions relative to the proper construction of the act, recommended a full re-consideration of the subject generally, with a view to determine by a new law what the Governor's authority really was.

The result of these discussions was, that the bill being stripped

of its declaratory character, became reduced to a mere act of indemnity to the parties concerned in the transportation and detention of the Bermuda prisoners. It was with some apparent reluctance that, on the 13th of August, Lord Brougham moved the third reading of his bill, in its then mutilated condition. He had, he reminded their Lordships, introduced it, not so much for purposes of indemnity, as a declaratory act. It was in the latter character that, in his eyes, its chief value had consisted. And although he was not blind to the necessity of an indemnity, under the circumstances, yet there were unquestionably, reasons why he should not have been the person to volunteer to provide one. "However," said the learned Lord, "as I have become accidentally mixed up with the business, I have no hesitation in moving the third reading of this bill, as it now stands, although quite sensible that I am making that motion on the part of her Majesty's Government."

At the close of Lord Brougham's address, Lord Chief Justice Denman, presenting himself to the House for the first time during these discussions, delivered some very striking observations. His objections to the ordinance, he said, was founded on no technical point of law, but was directed to a gross violation of the constitution. As to the right of transportation to the Bermudas, though it was universally abandoned, he was, for his own part, unable at that moment to come to a conclusion on the point. At any rate he conceived it rash and wrong for Parliament immediately to declare the illegality of

such proceedings, since such an enactment would fetter the judges of her Majesty's courts when matters connected with those proceedings came before them.

But as to the indemnity, Lord Denman declared that he was entirely opposed to it. The passing of bills for such purposes he looked upon as one of the worst and most unjustifiable practices of Parliament. He remembered that, some years ago, when the *Habeas Corpus* Act was grossly violated, the aggrieved parties were told, that they might appeal to the law of the land for redress. But before they could obtain it, a bill of indemnity screening the offenders had been passed. It was possible that public functionaries might be justified by their good intentions in over-stepping the law ; but Parliament had no right to say to the parties who had suffered by such excess of authority, "you can have no redress against those persons who have wronged you, because it is our pleasure to indemnify them. " If, indeed," said the Lord Chief Justice, "Parliament are of opinion, that individuals, actuated by a good and upright intention, and only zeal-

ous for the public service, have broken the laws, let them indemnify those individuals out of the public purse against the consequences of the legal proceedings that may be instituted ; but let them not leave the injured party without a remedy."

It would seem, that this declaration of the Lord Chief Justice, was all that was wanting to complete the confusion of opinions that prevailed with respect to these unfortunate proceedings. Up to the appearance of the noble and learned Lord, all parties, wide as were their other differences, concurred in admitting the invalidity of that part of the edict which referred to Bermuda, and the expediency of granting an indemnity. But now the first official authority in such a question proclaimed that the before-admitted illegality was by no means so clear as was supposed, and, on the other hand, denounced the indemnity as fraught with positive injustice.

After some additional remarks, of no great moment, from Lord Brougham, the bill was read a third time and passed, in the House of Lords.

## CHAPTER XV.

*Lord John Russell brings forth the Canada Indemnity Bill in the House of Commons—His Argument on the "Proviso"—Lord Stanley—Endeavours to distinguish between the Ordinances of Lord Durham and Sir John Colborne—Blames Ministers for not urging a Declaratory Act—Lord John Russell's Explanation—Mr. Leader—Mr. C. Buller's Letter respecting the Ordinances—Wolfred Nelson's Letter to Lord Durham—Mr. Leader's Observations on Lord Melbourne's Expression—"Truculent Democracy"—Mr. Hawes—Sir William Follett—His Explanation of his Proviso—He declares that the Ordinances are illegal, on the general Principles of Law—The Attorney-general's Argument—Sir Edward Sugden discovers a New Objection—Sir Charles Grey holds the Transportation to Bermuda to be legal—Bill passes through Committee unamended—Debate on the third reading—Mr. Leader—Dr. Lushington—Discordant Opinions on the legality of the Ordinance—Mr. Sandford, Sir E. Codrington and Mr. Aglionby—Lord Ebrington and Mr. Easthope—Mr. Finch threatens to divide the House—Dissuaded from doing so by the Attorney-general—Bill passes the Commons—Lord Lyndhurst's Motion on the Subject of our commercial Relations—Duke of Wellington's Remarks on the State of the Navy—Account of Act XI. of the Legislative Council in India, called the Black Act—Resistance made to it by British Settlers in India—Mr. Macaulay's Paper on the Subject—Mr. Ward brings the Subject before Parliament, and moves for a Committee—His Statement of the alleged Grievances—Sir John Hobhouse's Reply—Sir Charles Grey—Mr. Hogg—Sir J. Carnac—Mr. Wynn condemns Mr. Macaulay—Mr. Ward withdraws his Motion—Queen prorogues Parliament—Address of the Speaker upon that Occasion—Queen's Speech—Sir Robert Inglis's Commemoration of the Events of the Session—Conservative Tour of Sir Francis Burdett in the Spring—Progress of Disaffection amongst the Working Classes—Public Meetings—Torch Light Assemblages—"Chartists"—Incendiary Language of the Demagogues—Immense Meeting at Kersal Moor—Speech of the Rev.*

*Mr. Stephens on that Occasion—His Statement of the Objects of the “Chartists”—Constant Attendance of Lord Melbourne upon the Queen—“Letter to the Queen,” ascribed to Lord Brougham—Proposed Reduction of the Rates of Postage—Mr. Rowland Hill’s Plan—Report of the Committee—Mr. O’Connell’s Arrival at Dublin—Institution of the “Precursor” Society—Its Character and Objects—Meeting at the Corn Exchange—Letters to the People of Ireland—Colonel Shaw Kennedy’s Resignation of the Office of Inspector-General of the Irish Constabulary Force.*

**T**HE bill for the indemnity of their own officers, which Lord Brougham had so strangely and gratuitously forced upon the unwilling acceptance of the ministers, was introduced into the House of Commons on the 13th August, and read a first and second time. On the following day, Lord John Russell, in a speech of considerable power, brought the subject before the House. It was his intention to submit to the House of Commons a proposal which he made with extreme reluctance, that they should assent to the bill as it came down from the House, without any amendment. Desirable as it was, that some clear and additional clause should be introduced into the bill, in order to explain the intentions and meaning of the legislature with respect to Canada, the session was too far advanced for them to make the attempt with much effect; more particularly, as the House of Lords had declined to do so. No doubt, while matters remained in their present uncertainty, the responsibility of the authorities at home and abroad was exceedingly increased, but Lord John Russell said, it nevertheless appeared to him, that it was better to incur this increased responsibility, than to make a fruitless endeavour to obtain a decisive declaration of parliamentary opinion.

The noble Lord said, he assumed, that no objection would be made to the indemnity which it was the object of the bill to provide.

In saying that ministers meant to take the responsibility of governing Canada under the act which was passed at the beginning of the session, Lord John Russell observed, that he could not refrain from declaring the sense in which he himself understood that statute. In his opinion, the interpretation, which assigned their full latitude to the terms of the proviso, was entirely at variance with the fair scope and clear intention of the remaining parts of the act. “The meaning of the enactment,” continued Lord John, “as we proposed it was, that, whereas it was impossible to call together any legislative assembly in Lower Canada, and equally impossible, without legislative power, to provide for the exigencies that might arise, an authority should be created by Parliament, competent to meet those difficulties, and to provide for those mischiefs. It might have been proposed, and no doubt it was a matter of deliberation, to suspend only part of the laws which provide for the liberty of the subject, thereby sufficiently providing against the dangers of conspiracy and revolt; but it seemed a more complete, although, undoubtedly, a more arbitrary act,

to establish an authority fully competent to provide whatever legislative measures might, from time to time, be required in Canada." Accordingly, the act contained directions with respect to certain monies that are to be issued, and, at the same time, prohibited any increase of taxes, and limited the extent of the appropriation. Thus evidently indicating the intention of Parliament, with those restrictions, to invest the governor and special council with legislative powers. But if the proviso were to have the force contended for, it would be impossible even to suspend the legislative assembly of the province, since the act of 1791, which constituted that body, bestowed upon it the right to grant and appropriate money for the public service." "But," continued Lord John, "it is still more extravagant to say, that because, by the act of 1774, the criminal law of this country was transferred collectively to Canada, that, therefore, every incidental form and every proceeding suitable to quiet times only, must remain inviolate, while the whole constitution of the province is at a stand."

The noble Lord, nevertheless, admitted, that however absurd the construction, yet, if it were such as Parliament had in view at the time the bill was under discussion, it must, of necessity, be adopted. But, he asked, was this the case? When he first brought forward the bill, he stated that one of its purposes was to authorise the governor, with the assistance of the special council, to pass any laws that might be necessary during the suspension of the legislature of the province, no doubt, meaning that the new le-

gislative body was, to all intents, to stand in the place of the old.\*]

Lord' John Russell then proceeded to say, that he was quite sure that Sir William Follett would have stated his views openly and expressly to the House, in case it had been his intention to preserve from alteration the whole body of the criminal law in the province; and he went on to argue from the very objections and animadversions of the opponents of the measure, and particularly from the protest of certain noble Lords in which those objections were recorded in the journals of the Upper House, that the bill was all along understood to be one of an arbitrary and despotic character.

Lord John Russell then proceeded to touch on the administration of Sir John Colborne, as illustrating the true sense of the act; and, adverting particularly to the three ordinances which we have already brought before the notice of the reader, he asked whether, in these, Sir J. Colborne could have been said to have confined himself to the ordinary mode of administering criminal law in this country, or that he had not, in any way, affected any act of the united parliament; and he further put it to the House, whether in so acting, that officer had ever been supposed to have rendered himself liable to a prosecution, or in need of an indemnity.

The noble lord then admitted that that part of Lord Durham's ordinance which related to Bermudas, was not justified by law, yet he argued that, with this exception, the edict in question

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\* See Chapter iii,

was equally within the scope of the act as those of Sir John Colborne. He added that, were it possible to obtain a full meeting of the House, at that period of the Session, he should have thought it right to demand a declaration of the real intention of the legislature in passing the act; but, taking all the circumstances of the time into consideration, it seemed desirable that Ministers should undertake the risk of acting upon their own interpretation of the law. In the mean time, he was not disposed to enter further into the merits of the ordinance, chiefly abstaining, because he was not fully aware of the reasons which induced Lord Durham to issue that particular edict. The question was, no doubt, a difficult one; but it would have been possible to have acted with more severity, and yet to have kept within the letter of the law, by taking the following course:—By reason of the expiration of a temporary statute, the jury law of Lower Canada had been remitted to its original very defective condition. According to the strict letter of the old law, a jury might have been summoned, at the instance of the Government, which should be exclusively composed of the party which had been recently engaged in hostility against the insurgents, and who were inspired by the keenest animosity against the prisoners.

Concerning the verdict of such a jury, no doubt could be entertained, supposing the evidence to be at all clear against the accused. There was nothing to prevent a person of a vindictive disposition from taking measures for obtaining such verdicts, and executing the capital punishments which

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would have been thereby authorised; nor could such a course have been questioned, except upon those large grounds of equity which should never be lost sight of. The letter of the law would have justified Lord Durham, had he chosen to act upon it; “but,” continued Lord John Russell, “I should, in that case, have felt more difficulty in defending his conduct than I do at present, with the assurance that, notwithstanding illegality—informality—nay, notwithstanding a violation of the very principle of the act, if you will have it so, he has taken a course which, while it has been looked upon by the British inhabitants of Lower Canada as involving an over-generous and mistaken lenity, rather than, as I think it to be, a wise and statesmanlike policy—has reconciled the ways of mercy with all that the safety of the province and the interests of the Queen’s subjects really demanded.”

Lord John Russell was answered by Lord Stanley, who contended that, with respect to the comparison between Lord Durham’s conduct and Sir J. Colborne’s, that there was a broad, plain, and palpable distinction between them. In the first place, Sir John Colborne had composed his council of twenty-one persons, selecting its members from the great body of permanent residents, and actually giving a numerical preponderance to the French Canadians. Lord Durham had adopted a different, and perhaps less prudent course.

With regard to Sir John Colborne’s ordinances, two had been particularly noticed; one being in the nature of an act of attainder, and the other enabling

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the Governor to grant a conditional pardon in certain cases. The noble lord said, he wished to call the attention of the House to the great difference between the acts of the two Governors, as connected with the administration of criminal justice. Trial by jury was, as it were, a necessity of the English criminal code, inseparable from its nature; and he, for one, speaking as a layman, and not as a lawyer, had great doubts whether it was competent for the legislature, in the exercise of its ordinary jurisdiction, to abrogate that institution in the colony. Of course, if the colonial legislature had not the right, Lord Durham possessed it not. Now, he supposed, it could not be contended that Lord Durham had not, as regarded one class of individuals, set aside their right to be tried by a jury. But did the ordinance of Sir John Colborne go that length? Not that he meant to dispute the right of dispensing with a jury, so far as those who had submitted themselves, without trial, on certain terms, were concerned; but, where there was an act of attainder, it was then essential to the validity of the proceeding, that the party should have a certain time allowed, wherein to surrender, and be tried by a jury of his countrymen, if he thought proper to do so. The noble lord then showed how Lord Durham's ordinance failed, in this respect to accord with constitutional practice; and contended, though perhaps, rather unsuccessfully that Sir John Colborne, in declaring the return of persons to the province, who had confessed *before arraignment*, and had been banished upon a condition, a capital felony, had not been guilty of a similar departure

from legal forms. He next entered into some details, to prove that there were no grounds whatever for supposing that parliament must have participated in the opinions entertained by ministers, of the despotic character of the act.

While, however, Lord Stanley warmly insisted upon the violation of the constitution which Lord Durham's edict involved, he admitted, that, if the steps which had been taken by that nobleman could have been taken legally, they would have tended much to the promotion of tranquillity in the province.

He then adverted to a singular difficulty, arising from the hasty manner in which ministers had annulled the ordinance. Lord Durham, it will be remembered, published a general amnesty, excepting only the persons named in the ordinance. Now, the ordinance being annulled, it was alleged that the exception must fall to the ground, the consequence being that the amnesty would embrace the whole body of the criminals.

In conclusion, Lord Stanley said that he could not admit Lord John Russell's plea for declining to take a declaratory act. If it were necessary that the act should be explained, let there be a call of the House; Parliament had often been specially convened on measures of even less importance. In his opinion, Parliament ought not to be prorogued, before the law on the subject was determined.

To the concluding passage of the noble lord's speech, Lord John Russell replied, that he had had a conversation with Lord Melbourne, with a view to the introduction of a clause to the effect suggested by Lord Stanley; but there appeared so little disposition in the

House of Lords to lend their assistance, that Lord Melbourne had found it expedient to withdraw a proposition which he had made in that House upon the subject.

The next speaker was Mr. Leader, who said that, although a vote of censure would, in his opinion, be more appropriate, he was prepared to acquiesce in the course now proposed to the House. At the same time, gentlemen should be aware that the illegality in question was by no means the only instance of the sort for which Lord Durham was answerable. On the contrary, it was but one of a series of similar irregularities. Thus, in the preceding January, an able article appeared in the *London and Westminster Review*, from the pen of Mr. John Mill, and was, of course, widely circulated in this country. No sooner, however, was it reprinted in Canada, than the publisher, Mr. la Rock, was apprehended and imprisoned, and his types seized by the Government. Nor was this all; domiciliary visits were frequent; drawers were broken open, and papers seized. Acts were passed, prohibiting the introduction of certain American journals into Canada; and, in fact, all opinions but such as were agreeable to the Governor, were suppressed.

The hon. gentleman then went on to dwell on the composition and conduct of the special council. There was but one civilian in that body, one of its duties being to enquire into such cases of parties charged with treason, as should be brought under their notice. These cases, at the time, amounted to between 300 and 400, all of which must have been disposed of in one

day; for, although the council was appointed on the 28th, the ordinance made its appearance on the 29th.

While commenting on the ordinances, Mr. Leader read a passage from a private letter which Mr. Charles Buller had addressed to a friend in England, and which had found its way into the public prints.\*

Such language, continued Mr. Leader, could hardly be expected from any man, in reference to such a subject, and least of all from one in an official situation.

With regard to the allegation, that the prisoners had pleaded guilty, he denied it to be true. In disproof of it, he referred to a

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\* "I enclose you our first great act about the prisoners. It will appear to you horribly unconstitutional and despotic, but it is really mild. We put no one to death. Our transportation is, you will see, not to be penal, but merely accompanied by measures necessary for security. The rest are merely banished; we confiscate no property. We were obliged to include a great many in our provision, in conformity to a general rule laid down in each case, whom we do not wish, and do not intend to treat so hardly. This is rather an advantage, as it will enable us immediately to bring the pardoning power into operation. We would not interfere with the ordinary tribunals, or tamper with the juries. The legal guilt of these men was clear. From an ordinary jury their certain acquittal was equally clear. These ignorant Canadians would have said, either that their leaders in the revolt were right all along, or that the Government had not dared to punish. The British party would have said that our trial had been a mere mockery of justice, and that we had let their guilty enemies loose on them by a trick. Our present act does something like substantial justice; it will do good to both parties, and in no way corrupt the great judicial institutions of the country. The prisoners petitioned to be disposed of without trial."

letter in his possession, from Wolfred Nelson to Lord Durham.

"We have rebelled, my Lord," was the language of this letter; "but do not let this expression frighten you; for it is not against the person of her Majesty, but against a bad colonial administration." Was this, asked Mr. Leader, pleading guilty to a charge of high treason? The writer then proceeded to say, "If the arrival of your lordship had taken place sooner, it would have been approved by all Canadians, and if their efforts had made your mission necessary, they would have been glad to have thus caused the happiness of their country." — "They never had had recourse to arms for the purpose of attack; and if they had ever used them, it was only in their own defence." — "We are anxious to avoid being brought before the tribunals of the country, as it is impossible for us to find an impartial tribunal; but from such we should have nothing to fear."

This, then, said Mr. Leader, was all the evidence that could be brought in support of the allegation that the prisoners had pleaded guilty. But, was any thing here like such an admission? or did it justify such a proceeding as the transportation to the Bermudas, or such language as that used by Mr. C. Buller?

The hon. Gentleman then addressed himself to the other parts of the ordinance, and in the course of his strictures, he mentioned the cases of Mr. Papineau, and of Louis Perrault. Against the former of these persons he defied them to bring any charge, which could not be substantiated against Mr. O'Connell. While the latter one of the fifteen sentenced to

death, if he returned to his native land, had, before the insurrection, been sent to New York to purchase types for the "Vindicator" newspaper, and was no wise implicated in the rebellion.

Another act of the Government which fell under Mr. Leader's animadversion was a police ordinance for the cities of Quebec and Montreal, this he said was the strangest public paper he had ever seen, and evidently drawn by one who knew nothing of the law of England. The first part of this enactment directed that any justice of the peace might sentence any person to two month's imprisonment for being disorderly in the streets. It ordained that any person found loitering in the streets, or in the foot-paths, or pulling down placards, or whistling singing, or screaming, should be sent to prison for a period not exceeding two months.

He further complained of the appointment of Mr. Arthur Buller, a young barrister of four years standing, to be judge of the court of appeal, the chief court of the colony.

In conclusion, the hon. member exposed in strong language the wretched and faltering conduct of the Government, who having first carried matters with a high-hand, and vindicated the ordinance as legal and sound in all essential points, had on the following day abandoned all defence of that measure with the greatest pusillanimity, and had sacrificed Lord Durham to the majority of the other House. Nor did Mr. Leader allow Lord Melbourne's somewhat fastidious allusion to "a low and truculent democracy" to escape unnoticed. This he said was strange language for one to use

who was indebted to the people for his elevation to power and his maintenance in office. He knew not by what other means the noble Lord and his colleagues expected to maintain their position. Court favour he might indeed possess, but he would find it but an indifferent support in comparison with that which he formerly derived from the people.

Mr. Hawes, in the course of some sensible observations on the question generally, took occasion to vindicate Mr. Buller, from Mr. Leader's aspersions. He said he believed the hon. member for Liskeard to be a friend of Mr. Leader's (here Mr. Leader exclaimed "No! I disown him.") With respect to the present bill, he thought that government, having offered to bear the responsibility of their proceedings should be permitted to do so, and that the measure under consideration involved a very objectionable interference with the Government of Canada.

Sir William Follett next proceeded to address the House, declaring he had no doubt of the illegality of the ordinance. He perfectly well recollected all that passed on the introduction of the bill, and his full conviction was, that it never had been the intention of Parliament to render the Governor-general competent to pass that ordinance. If any such power was given, it was, he was quite sure, contrary to the intention of at least the great body of those who sanctioned the measure. This ordinance could not be legal, unless Lord Durham was held to be invested with absolute and uncontrolled power, not only over the property and liberty, but over the life of every inhabitant of the province. The question here was

not whether he had power to interfere with the criminal law, but whether he had power to set himself above all law, whether it was competent to him, by his own arbitrary fiat, to declare certain persons to be guilty, and to sentence them to suffer transportation or death at his discretion. It could not have been intended to pass a Bill which gave any man whatever, no matter how high his character, such enormous powers as these. With respect to the proviso which he had introduced into the Bill, he begged to remind the House, of what had been said at the time of its passing in reference to the extent of the Governor-general's legislative power? It was represented, that during the suspension of the existing constitution, it would be necessary to provide for the passing of such acts, as might be requisite for the local interests of the province. The explicit statement of the colonial Secretary was, that he only asked for such limited powers as should enable the Governor in Council to legislate on local matters. There was not one word said about criminal law, juries, the inadequacy of the existing means of administering justice, or the necessity of suspending the *Habeas Corpus Act*. The learned Gentleman then adverted to the alterations introduced into the Bill by the Ministers themselves, and which restrained the Governor's authority within the limits which formerly confined the colonial legislature. It did not, however, he continued, appear to Gentlemen on his side of the House that those amendments went far enough. They excluded indeed the Governor from suspending, altering or repealing the general statutes

of the British Parliament; but it happened, that the Colonial Legislature had possessed authority to deal at their discretion with certain of those statutes, and it was conceived, that however proper it might be to give a collective and permanent legislature such authority, it could not be expedient to bestow it on a functionary sent out for a short time, and for a temporary purpose. He therefore, among others had insisted, that the Governor in Council should not have power to interfere with any imperial acts nor with any colonial statutes bearing on those acts. Sir William said, he had been requested to confine his amendments to certain specified acts of Parliament, but he declined to accede to that suggestion, as he wished to preserve the principle that the Governor should not have the power to alter any act whatever.

"Throughout the discussion," he continued, "no reference at all was made to the criminal law of the province, or the mode of administering justice there. In suggesting the proviso in question, *I can assure the House, that I had no intention whatever of fettering the Governor with reference to the criminal law. I had not the subject in my mind at all.*"

The learned Gentleman then proceeded to state, that he doubted the legality of the ordinance, on the ground that the Colonial Legislature itself had no power to pass such acts. Let it be considered what these ordinances were. First, the Governor in Council says, "here are eight men who have acknowledged themselves guilty of certain offences." Acknowledged themselves," exclaimed Sir William, "to whom! where?"

Not certainly before any constitutional tribunal. They had not been arranged or called upon to plead, they had not pleaded guilty. Let me ask what use could be made of such an acknowledgement here? It might be used as evidence against them, but it could only be so used for the purpose of production before a jury, and to which the jury would give such weight as they thought proper. Yet, in this case, the accused persons were upon such an acknowledgement, arbitrarily sentenced to transportation."

'This, observed Sir William, was one ordinance—what said another? That fifteen persons who stood charged with a certain crime, though it did not appear that any indictment had been found against them, should suffer death if they ever came within the jurisdiction of the provincial courts, no matter with what intentions they came, no matter though their object should be to plead their innocence, and demand a trial. Was such an ordinance as this, one which the legislature of Lower Canada was allowed to pass? Surely not. It was contrary to every principle, not only of British and Canadian law, but of every law which he had ever heard, or read of, as the law of a civilized land.

Sir William Follett then passed on to the consideration of the several statutes which had already been cited in the course of these discussions. By the Act of 1774, the criminal law of Great Britain was transferred to Canada, express power being given to the legislature of that province to make amendments and alterations therein. But he very much doubted, whether the colonial



authorities would have had the power of altogether abolishing the criminal code of England, and substituting that of France. Moreover, at that time, the Imperial Parliament would not trust the colonial legislature with the power of creating any new offence punishable by more than three months' imprisonment. And, by the 15th section, it was declared, that no act of that legislature, creating any new offence should be valid, until confirmed by the King in council. By this act, therefore, the colonial legislature had no power of passing an act of attainder. The act of 1774, continued in force till 1791, when the constitutional act was passed, establishing a parliament in the Canadas, and giving them whatever power over the criminal law might have been exercised by the previous legislature, but nothing beyond it. That being the law, it was quite possible that Sir John Colborne might have kept within the limits which Lord Durham had exceeded. He saw no object, however, in raising that question. What they had to consider was the legality of Lord Durham's proceedings. He was supported by the authority of Lord Denman, in saying, that the ordinance was illegal, not in consequence of the proviso in the act, but upon the general principles of law. But it was said, that the learned chief justice had characterised this edict as unconstitutional only, and not illegal. Sir William said, he was not prepared to admit such to have been his meaning; but, granting it to have been so, what was the force of the term "unconstitutional," if it did not indicate a violation of the constitutional law of the country? Now,

none of the dependencies of the Crown had the power of acting in derogation of the constitutional rights of this country. What, then, was the law? That all persons should be tried by a jury, and that the witnesses should be examined in open court. What was the ordinance? That these parties accused of high treason should not be so tried, and should not have the option of being so tried. Sir J. Colborne had said, "If you do not come in and take your trial, you shall suffer the consequences." But Lord Durham said, "If you do come in to be tried, you shall suffer death." There existed in Lower Canada the ordinary powers attached to courts with criminal jurisdiction. If a person were indicted for a crime, and absconded, the government might, by proclaiming him in the proper courts, obtain a judgment of outlawry against him, the effect of which corresponded with the consequences of a regular conviction. What, then, was a bill of attainder? Generally speaking, it was only resorted to for the purpose of giving full effect to the ordinary process of the law. It operated thus: if a person did not come in and take his trial at a certain time, the bill declared that punishment should follow, as if the party had been outlawed or convicted. This was plainly very different from Lord Durham's mode of proceeding.

With respect to the declaratory clause which ministers had proposed in the other House, Sir William Follett said, he should feel it his duty strenuously to oppose any such explanation of the act. He would venture to say, that the powers proposed to be



conferred by that clause were unprecedented. It empowered the governor and council to pass such laws and ordinances as might be deemed necessary for the safety of the province, or for providing for the trial or punishment of persons engaged in treasonable practices. He was not surprised that the House of Lords had rejected such a proposition as that. But if Lord Melbourne were to ask for power enabling the governor and council to suspend the *Habeas Corpus* Act, he did not believe the legislature would refuse it, or would decline to make some provision for avoiding the ill-effect of the repeal of the ordinance in question, so far as regarded the cases of the individuals mentioned in it.

The Attorney-General then rose, and prefaced his argument, by remarking, that, so far, the Earl of Durham had most successfully proceeded in his endeavours to pacify the dissensions in Lower Canada. There no complaints concerning the ordinance were to be met with, and his firm belief was, that had no objection proceeded from this side of the Atlantic, all would have gone on smoothly and harmoniously.

With respect to the bill before the House, he regretted exceedingly that it had been introduced. There existed no necessity for it; no action would have been brought, nor prosecution thought of, or more than a shilling damages obtained by the parties named in the ordinance, if it had not been for the ingenuity of certain lawyers in this country suggesting its illegality. The proposal for granting an indemnity was both officious and insidious. At the same time, as

the bill had been introduced, and one part of the ordinance was confessedly illegal, there was no alternative but to vote for the indemnity. The banishment of the prisoners to the Bermudas was a legislative act, but the legislative power of the governor was limited to the boundaries of Lower Canada; and it was therefore in vain to contend for the legality of that transaction.

It was not necessary that, in speaking of the rest of the ordinance, he should give any opinion as to its constitutional character; all that was at present to be considered was its legality. He had no hesitation in saying, that had he been consulted when the ordinance was in the act of being framed, he should have probably suggested a somewhat different mode of proceeding; but, at the same time, it was impossible for him, imperfectly acquainted as he was with Lord Durham's situation and motives, to give any decided opinion upon the subject. There existed, probably, very strong reasons in Lord Durham's mind for not resorting to the ordinary practice observed in process of outlawry and attainder. But the question of the legality of the measure, as it stood, depended entirely upon the act of that session. And he thought that he should be able to shew, that the old Parliament was competent to have passed the ordinance, and that, therefore, the substituted legislature possessed the like power, unless it could be brought within some of the restrictive clauses provided in the act. Now, what were the powers conferred by the imperial Parliament upon the colonial legislature? They were to make laws for the peace, the welfare, and the good

government of the province, provided only such laws were not repugnant to the act of 1791.\* Here, then, was constituted a supreme legislative assembly, with power to perform whatever was not forbidden by the act which gave it being. The act then went on to enumerate certain restrictions, which it was intended to impose upon the colonial parliament, and subject to which it was possessed of supreme legislative powers.

The attorney-general then proceeded to consider the effect of the act of this session. That act was passed while rebellion was raging, and after the local legislature had ceased to work. Now, he asked, was it to be supposed that the new legislature, introduced under such circumstances, was to confine its operations to

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\* The following is the clause referred to (31st George 3rd., c. 31, s. 2.) "Be it enacted, that there shall be within each of the said provinces respectively, a legislative council and an assembly, to be severally composed and constituted as hereinafter described; and that in each of the said provinces respectively, his Majesty, his heirs or successors shall have power, during the continuance of this act, by and with the advice and consent of the legislative council and assembly of such provinces respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to this act; and that also such laws being passed by the legislative council and assembly of either of the said provinces, and assented to by his Majesty, &c., or assented to in his Majesty's name, by such person as his Majesty, &c., shall, from time to time, appoint to be governor or lieutenant-governor of such province, or of such person as his Majesty, &c., shall, from time to time, appoint to administer the government within the same, shall be, by virtue of this act, valid and binding to all intents whatever within the province in which the same shall have been so passed."

mere routine business—was it not to possess the power of suspending the *Habeas Corpus* Act, of detaining in prison, for an indefinite period, such persons as it was not expedient to bring immediately to trial? or would such measures have been considered "mere routine business?"

But then came the proviso introduced by Sir William Follett. If that proviso were to have the effect, which certain parties claimed for it, it rendered nugatory, and revoked the provisions of the whole act. It reduced Lord Durham's power to nothing, and paralyzed his exertions. Under that construction, how could Sir John Colborne's ordinance be legal, which declared it to be felony for a person to return to the province, after accepting a conditional pardon?

What, then, was the history of the introduction of this proviso? The attorney-general said, it was intended and accepted purely and exclusively to prevent any alteration in the religion of the country, to preserve the tenures on which property was held, and to prevent all interference with the reserves of the established church. These were the three points alone touched upon by Lord Stanley and by Sir William Follett.

The learned gentleman then called the attention of the House to the proceedings of the legislature of the Upper Province, which could not, of course, be supposed competent to exercise any powers which were not equally within the range of the legislative authorities of the Lower. He said that he would simply read the titles of some of the acts passed recently in Upper Canada. The first chapter was an act, the effect of which was

to suspend the *Habeas Corpus* act, and to provide for the apprehension and detention of all persons suspected of treason. The second provided for the more effectual and impartial trial of persons charged with treason. The third declared every subject of her Majesty, who should levy war against her Majesty, in company with the citizens or subjects of a foreign state, amenable to a militia general court-martial. The ninth provided for the more speedy attainder of persons indicted for high treason, who had fled from justice.\* The tenth enabled the government of the province to extend a conditional pardon, in certain cases, to persons concerned in the insurrection.† Now, he would ask, whether such acts as these could be distinguished from Lord Durham's ordinance? The House might say that that edict was unconstitutional, but he defied them to draw any distinction in point of law between the two cases. They could only find fault with the ordinance of Lord Durham, as altering the criminal law. The acts of the Upper Canadian legislature, and the ordinances of Sir J. Colborne, were open to the same charge.

Sir Edward Sugden followed, who had, with his accustomed acuteness, discovered a new ground of objection to the ordinance. It was apparent, that the governor-general considered that the ordinances would take effect *instantly*; but the act of the session expressly provided, that the Queen in coun-

cil might, at any time within two years, annul every ordinance made by virtue of the act.

It never, therefore, could have been intended, he argued, that the governor should have the power of passing ordinances in their nature incompatible with this repealing power of the Crown. Supposing persons to have been executed under the penal clause of the ordinance, and the Crown to have subsequently, and within the specified period, disallowed and voided the instrument, as it in fact had done, the plain meaning of the legislature, in introducing that annulling clause, would have been defeated. For it would be a mockery to repeal the ordinance after the men had been hanged.

Sir Edward Sugden then proceeded to observe, that it behoved the government to consider how they were prepared to act with respect to the persons who were included in the ordinance, which could not be disallowed without instantly leaving them at liberty to re-enter the province. Would Lord John Russell, he asked, be prepared, after what had passed, to try these persons by a jury? With respect to the comparison that had been instituted between the ordinances of the two governors, he observed, that Sir John Colborne's edicts might possibly have been, in some respects, illegal, but this irregularity was not so great as to strike at first sight, whereas the enormity of Lord Durham's was such, that it could escape nobody's observation.

Sir Charles Grey also attacked the ordinance, except such part of it as related to the Bermudas, which, he thought, was not open to exception, as being authorised by the acts of Parliament which

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\* This act gave the offenders a day for coming in to be tried.

† This act corresponds with the ordinance passed for a similar purpose by Sir J. Colborne.

provide for the transportation of offenders from the colonies.\*

The expediency of immediately passing a declaratory act was then strongly urged by Sir Robert Inglis and Mr. Ellis; and after a few words from the solicitor-general and Lord John Russell, the House went into committee on the bill. No amendments, however, were introduced, and on the 15th of August, Lord John Russell moved the third reading.

The debate on this occasion presents little matter of interest. Mr. Leader, indeed, with an almost Roman austerity, took pains again to renounce, in the face of assembled Parliament, his friendship with Mr. Charles Buller. His acquaintance with that gentleman, he informed the House, commenced on political grounds, and when, at last, they differed on many political subjects, it almost entirely ceased. However, if he had been on the most familiar terms of private friendship with him, he declared that he should have been ready to sacrifice that intimacy to public duty.

Dr. Lushington then made an animated speech. The learned gentleman adverted, with considerable effect, to the discordant opinions that were in existence with respect to the legality of the various branches of the ordinance. If, said he, the Earl of Durham has erred in his apprehension of the law, whose fault was it? If the noble Earl had no clear notion on the subject, who ought to have any? The Lord Chancellor? The Lord Chief Justice of England? A learned ex-chancellor (Sir E.

Sugden)? The learned member for Exeter (Sir W. Follett)? or the hon. baronet, the member for Tynemouth (Sir Charles Grey)? All these authorities were more or less at variance; and seeing how much they differed, he was inclined to think, that had he had the aid of a legal adviser, Lord Durham would have gone still farther astray.

Mr. Sanford, Sir E. Codrington, and Mr. Aglionby expressed themselves strongly against the bill, and were ready to support any member who would divide the House upon it.

Lord Ebrington and Mr. Easthope viewed the measure with equal disgust, but felt, under the circumstances, that they could not oppose it, without embarrassing the ministers.

Mr. Finch then came forward with an intimation of his resolution to take the sense of the House upon the bill. But, upon the attorney-general's pointing out the necessity of having an indemnity, now that the question had been publicly mooted, he consented, after some hesitation, to abandon his intention. Whereupon the bill was read a third time, and passed without further opposition.

A debate in the House of Lords, on the subject of our commercial relations with foreign powers, may here be mentioned. It was brought on by Lord Lyndhurst on the 14th of August, who, in presenting a petition from Glasgow, complaining of the depressed state of our foreign trade, took occasion to speak in terms of any thing but commendation of the diplomacy of Lord Palmerston. According to the noble Lord, our commercial interests were universally neglected,

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\* 5 George 4, c. 63. and 6 George 4, c. 59.

in Germany and Poland, as on the Senegal, at Algiers as in Java, in the Black Sea as in Persia. The learned Lord's speech on this occasion, does not seem, however, however, to have been very effective to its object, and Lord Melbourne, we think, succeeded in shewing, that for the greater part of the evils complained of, the government could not fairly be held responsible. The commercial depression of the past year arose from embarrassment brought on by over-trading and speculation. With respect to the Prussian commercial league, he remarked, that it existed in violation of no treaty, and being founded on the real or supposed interests of the parties composing it, was such as no diplomatic activity or address could have been reasonably expected to prevent. The situation of the republic of Cracow, he said, involved questions delicate and difficult; and he had no wish to touch upon them, but the advantages which, it had been alleged the trade of that state was capable of conferring upon this country, were greatly exaggerated. Lord Melbourne admitted, that the aspect of affairs in the East particularly Persia, was far from satisfactory, but denied that any blame was ascribable to ministers on that score. It arose rather from the natural course of affairs.

Lord Lyndhurst's attack was followed up by Lords Strangford and Brougham. The Duke of Wellington, however, expressed his disapproval of the course taken by his noble and learned friend, on the present occasion. It was ill-timed, to say the least of it, at that period of the session; at the same time, the duke took occasion to ani-

advert on "the extreme weakness, and tottering condition of our naval establishments." The circumstance of which he complained, he did not attribute to neglect upon the part of the Admiralty, but to the misplaced economy of those who had thought proper to demand the reduction of the establishments of the country to such a degree, that protection to British commerce could not be given in all the quarters in which it was required. His Grace then proceeded to comment upon the quarrel between France and Mexico, which we shall, in an ensuing chapter, have to notice. It arose, he said, out of a disputed claim, amounting to about 600,000 dollars, not more than 120,000*l.* sterling. The French Government had thought proper to declare war against Mexico, in order to recover this demand. He did not dispute that right; but, at the same time, he was bound to say, that it was the duty of our Government to lead the matter to an amicable issue, if possible, by the exercise of a friendly mediation. The duke then stated that, when he was in office, he had settled a dispute of a similar character with Mexico, where the sum in question was of much greater amount; and that was effected without resorting to menaces of any kind whatever, but merely through the ordinary course of statement and negotiation. Reverting to the state of the navy, the duke reminded the House that, within the last twenty years, other navies besides ours had come into being. When we talked of the strength of our own, we should look to the naval establishments of other powers.

These observations on the con-

dition of the navy called up Lord Minto, who admitted that, if our maritime force were not adequate to the demands of the public service, the blame must lie with himself, as he was not conscious that any difficulty would have lain in the way of obtaining, if necessary, an augmentation of that branch of the public establishments. Agreeing, as he did, with the Duke of Wellington, in the necessity of maintaining a very large naval power, Lord Minto observed, that it did not appear to him to be necessary that the whole of the ships should be kept in a state of perfect readiness. It was sufficient if the arrangements of the Admiralty were such as to enable it, at a very short notice, to send a large fleet to sea. That was the present state of the navy, and he could say, with the most entire confidence, that no call could be so sudden as not to be met with the greatest ease, in the equipment of a very large and powerful fleet.

Before we conclude our parliamentary annals of the year, we have to notice a discussion which took place in the House of Commons, regarding certain changes which have, of late, been introduced into the judicial system of our East Indian territories, and which materially, it is said, affect the immunities hitherto secured to British-born subjects in that part of the world. It is to be premised that, by the 107th clause of the act 53, Geo. III., c. 155, (being the charter act of 1813) British subjects of his Majesty, in India, residing, or carrying on trade, or occupying immoveable property, beyond ten miles from a presidency, were made subject to the local courts, in like manner as the

natives; with a proviso that, in such cases as admitted of appeal to the Sudder Dewanny Adawlut, or other highest provincial courts of appeal, British subjects might, *in suits commenced against them*, appeal to the Supreme Court at the presidency.

It would appear that, so long as the interior of India was closed to the general resort of Europeans, no great inconvenience resulted to the natives from the privilege thus secured to the British; but, since the admission of European settlers to the country has been provided for by the the recent alterations in the charter, and the consequent increase of litigation between them and the natives, this right on the part of an European, when impleaded by a native, to appeal from a Mofussil (provincial) Court, to the Supreme Court at the presidency, has been productive of serious evils, and has a tendency to throw obstructions in the way of justice.

Accordingly, by an act (XI) of the legislative council\* in India, passed in 1836, and known by the name of the *Black Act*, (such is its unpopularity with Europeans) the 107th clause of the 53 Geo., 155 was repealed, and all per-

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\* By clauses 43, 44, 45, of the act 3 and 4 William IV., c. 85, power is given to the Governor-General in council, to make laws and regulations for repealing, amending, or altering any laws or regulations in India, and to make laws and regulations for all persons, British or natives, foreigners or others, and for all courts of justice, whether established by his Majesty's charters or otherwise, and the jurisdictions thereof, with certain exceptions, subject to the disallowance of the Court of Directors.



sons in the Company's territories are made amenable, in civil proceedings, to the jurisdiction of the Company's courts. The spirit of this alteration in the law is, to place the natives of India on the same footing as the British, in judicial proceedings; and, as it would have been inconvenient to extend to natives the privilege of appeal to the Supreme Court, as accorded to European defendants, the latter have been deprived of the exclusive advantage they before enjoyed.

It is not our purpose to enter upon an enquiry into the policy of this measure, which certainly would seem to be but fair and reasonable; whereas the system, which it supersedes, involves an avowal of a certain degree of partiality to a particular class; but, at all events, as was to be expected, the change provoked a great clamour amongst the Anglo-Indians, who opposed it in every possible way. Mr. Turton, a gentleman already mentioned in this volume, being, we believe, at the time, a practising barrister at Calcutta, was commissioned to proceed to England, for the purpose of procuring, if possible, the repeal of the obnoxious act; but, as we have just seen, soon after his arrival in England, he proceeded to Canada with Lord Durham.

Several memorials from the British at Calcutta were presented to the local Government, complaining, in bitter and exaggerated terms, of this act; and the tone assumed in the controversy betokens the existence of anything but a cordial spirit between the Company's servants and the independent settlers in that part of our empire. The re-

plies which were addressed to these memorials, under the name of minutes in council, are very able and convincing. Mr. Macaulay's, in particular, is a most masterly state paper, and seems entirely to dispose of the question at issue. It has been thought, indeed, a little too animated and impetuous in its style for a document of its description, and has been censured as being less measured in its counter-allegations than diplomatic usage is considered to prescribe.

Never, perhaps, did our national arrogance display itself more eminently than in the pretensions of a handful of, for the most part, obscure adventurers, as described in the following passages:—

“The political phraseology of the English in India is the same with the political phraseology of our countrymen at home. But it is never to be forgotten that the same words stand for different things at London and Calcutta. We hear much about public opinion—the love of liberty—the influence of the press; but public opinion, in this sense, means the opinion of 500 persons who have no taste, feeling, or interest in common with the 50,000,000 among whom they live; and the love of liberty means the strong objection which the 500 feel for every measure that can prevent them from acting as they choose towards the 50,000,000; while “the press” is altogether supported by the 500, and has no motive to plead for the bulk of the population.”

“The jealousy entertained by the Company is not the jealousy of a merchant afraid of being undersold, but the jealousy of a ruler afraid that his subjects, for

whose well-being he is answerable, should be pillaged and oppressed.

“India has been subjugated by English arms, and is governed by English functionaries. To be an Englishman is, therefore, a rank in India. Those qualities which enabled us to conquer, and now enable us to govern the country, that valour, resolution, intelligence, union, and general superiority, mental and physical, which have upreared, and still uphold our empire, make every individual Englishman a formidable object to the native population. Under these circumstances, there is reason to fear that a tyranny of the worst sort, the tyranny of race over race, may be the effect of the free admission of British settlers into our provinces. In the speeches and writings to which this act has given occasion, it will not be difficult to detect, under the disguise of expressions, which in England are generally employed by demagogues, the spirit of an oligarchy as proud and exclusive as that of Venice herself.”

“The petitioners think it hard, that questions which ought to be decided by the law of England should be decided by Judges not bred to the study of that law. Why is this harder than that questions of Hindoo law and Mahomedan law should every day be decided by Judges of the Supreme Court, who were never bred to the study of the Hindoo or Mahomedan’s jurisprudence? Why is it a greater evil, that a few hundreds of Englishmen should be under the jurisdiction of a court which conducts its proceedings in Persian, than that some hundreds of thousands of natives should be

under the jurisdiction of the Supreme Court, which conducts its proceedings in English? It is hard, according to the petitioners, that Englishmen should go before courts, the pleaders of which do not understand the English laws or language. Why harder than that natives should be forced to go before the Supreme Court, in which there is not a single barrister who has studied oriental law or who can speak any oriental language?”

Mr. Ward, on the 22nd of March, in bringing the subject before the House of Commons, appeared as the advocate of that portion of Anglo-Indian society, who conceived themselves to be aggrieved by the “Black act.” Having presented a petition from Madras and Bombay, connected with the subject, he proceeded to say, that he had to complain of changes made by the Indian Government which affected the legal rights of every British born subject in India, whether as an individual, a proprietor, a husband, or a father. These changes had excited feelings of strong, and, surely, not unjust resentment against the European population, and this without conferring any benefit upon the natives. There had not been, on the part of the latter, the slightest demonstration of hostility to the jurisdiction of the Supreme court, but, on the contrary, a feeling in its favour very generally prevailed. He had at the commencement of the session, presented a petition which contained extremely strong demonstrations of attachment from a large population, for that very court, whose jurisdiction had been in a great degree superseded. After a careful analysis, there

were found amongst the signatures to that petition, the names of 200 principal merchants, some being Hindoos, of every Parsee merchant of standing or influence, 200 native merchants, and 1,400 British residents, from the thirty-two districts of Bengal.

The grievance complained of was stated in the first paragraph of the petition to the following effect. "That an act has lately been passed by the Legislative Council of India, promulgated as law, entitled, Act, No. XI. of 1836, purporting to repeal the 107th section of the 53rd Geo. 3rd c. 155. That the object of this new Indian law is to render all the British born subjects of the Crown, throughout these territories, amenable to the jurisdiction of the provincial courts (many of which are presided over by Mahomedan and Hindoo judges, the number of such judges in the presidencies of Bengal and Agra not being less than 96) and to take away the appeal to his Majesty's Supreme Court.

The hon. Member then went into a brief detail of the Indian system of judicature. The lowest class of tribunals are generally presided over by Hindoos or Mahomedans, with a jurisdiction confined to petty sums. From these tribunals there is an appeal to the district courts which are generally presided over by Englishmen, who are, however, of limited legal education, their whole knowledge of law being probably derived from a few lectures at Haileybury college. A series of courts of appellant jurisdiction follow; the commissioners of districts, the Sudder Dewanny Adawlut, the Supreme Court, and lastly, the Privy Council. To all of these, in turn, the dissatisfied

litigant is at liberty to resort, though, to bring the case within the jurisdiction of the Privy Council, it is requisite that the value of the property in dispute should exceed 4,000 rupees (about 400*l.*). It was obvious, according to Mr. Ward, that this system established a total dependence of the judges upon the East-India Company, a dependence which was studiously preserved by the practice of translating judges from one district to another at pleasure. But, however, the Indian authorities went further than this, for they were in the habit of transferring men from one branch of duty to another, and an individual might find himself one day in the political department, on the next, in the judicial, and, soon afterwards in the commercial. They were thus taught to look to the favour of the company, as the only road to promotion.

The efficiency of these tribunals was also impaired by the absence of all acquaintance with English law amongst the judges. The Sudder Dewanny Adawlut, was supplied with officers who possessed considerable knowledge of the Hindoo and Mahomedan laws, but were, of course, ignorant of the English system of jurisprudence. The proceedings were all carried on in the Persian language. Another serious defect in the constitution of these courts arose from the venality of the inferior officials who were mostly Hindoos. To remedy these evils the Supreme Court was established in 1770; to the jurisdiction of which, at its first creation, all causes in which British subjects were parties, were exclusively consigned. The act of the 53rd Geo. 3rd. c. 155 (1813) was introduced for the

purpose of confining within certain limits the too universal jurisdiction of that court. And the law as settled by the 105th, 106th, and 107th sections of that act had prevailed in India for 23 years. The new charter was framed in 1833.\* By this, a great and extraordinary power was bestowed upon the Governor-general, and the legislative council. Under the same act, a law commission was established, of which one of the members was Mr. Macaulay. This was followed by the Act XI. of the Legislative Council, already mentioned. Hereupon, the British born inhabitants of Bengal, presented two successive memorials to Lord Auckland, praying, that the act of the council might be rescinded.

After quoting passages from the memorials, and the replies of the Legislative Council, Mr. Ward went on to say, that it appeared from that correspondence, to be admitted, that British-born subjects had a right to retain the system of law, which they had all along been entitled to. The question then arose — what that system was? The object of the petitioners, whose cause he was then advocating, was to bring their case before a select committee, wherein they would undertake to prove, that they had never been subject to the Mofussil law, except only in cases where they had voluntarily submitted themselves by a formal compact to its jurisdiction. Mr. Ward concluded by moving for a select committee to inquire into the allegations of the

petitions from Madras and Calcutta, and to report to what extent the act in question had affected the rights of British-born subjects in India, the prerogative of the crown, and the general interests of the United Kingdom.

Sir John Hobhouse (President of the Board of Control), remarked, that, in the first place, the act complained of, affected none, but such British inhabitants of India, as were resident in the interior of the country. The inhabitants of the cities of Calcutta, Bombay and Madras, were, in no wise, subject to its operation, and yet it was with these, that the resistance originated.

During the whole 23 years, that the system, to which Mr. Ward attached so much importance, had existed, the right of appeal had been but twice resorted to, and in both instances, the judges of the Supreme Court, from their ignorance of the local law were unable to come to a decision, without the aid of the Sudder Dewanny Adawlut. Sir John Hobhouse then quoted the authority of Mr. Williams Wynn, Mr. Warburton, Lord Sandon, Mr. C. Buller, Sir Hyde East, and Sir Edward Ryan, who had all declared their opinion, that it was highly desirable to get rid of the distinction between the two classes of the inhabitants of India; that it was of great importance to strip adventurers, going from this country, of the notion, that they are to have a greater degree of protection than the natives; that persons going to India ought to conform to the Government established there; that the laws, which are considered good enough for the natives, ought also

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\* 3 and 4 William 4th, c. 85, already referred to in the last note.

to be good enough for them ; and that the privilege in question should be confined, in future, to the precincts of the three presidencies.

With respect to the charges preferred by Mr. Ward against the Mofussil courts, Sir J. Hobhouse denied them, but, supposing it to be the fact, as alleged, he forcibly observed, that nothing could be more disgraceful to England than to institute an unsound and iniquitous system of judicature, and then to exempt Englishmen from its operation. He then proceeded to ridicule the assertion of Mr. Ward, that British residents required protection in India. The fact was notoriously the reverse. The great difficulty, said Sir John, must be, to find a native, who dared to look an Englishman in the face.

As to the Queen's courts, without meaning to be disrespectful, he was bound to state the truth. He would ask, whether, if the protection afforded by these courts meant the right of taking the natives from Sohagur to Calcutta, it was anything more than a confiscation of their property ? The expence of litigation, according to Mr. Macaulay, in the Supreme Court, is five times as great as at Westminster ! An undefended cause which might be prosecuted successfully in the Court of Queen's Bench for about 8*l.* sterling, cannot be proceeded with in the Supreme Court under 40*l.* Where an English barrister receives a guinea, an Anglo-Indian one gets more than three, and other charges in proportion. This was in Bengal. To quote the words of Mr. Macaulay. — "At Madras, the Supreme Court, has, I believe, fulfilled its mission. It has done its

work ; it has beggared every rich suitor within its jurisdiction ; and is inactive for want of somebody to ruin. This is not all. Great as the evils of the Supreme Court really are, they are exaggerated by the apprehensions of the natives to a still more frightful magnitude. The terror, with which it is regarded by them, is notorious."

The right hon. Baronet then went on to contend, that the Legislative Council had full authority to act as they had done ; short of abolition they were empowered to deal with the Supreme Courts, as they might deem it expedient to do. The present alteration did not apply where both parties were British ; in that case, they might, in the first instance, address themselves to the Supreme Court and "there ruin themselves to their heart's content."

Sir John Hobhouse's strictures on the Supreme Courts called up Sir Charles Grey, who had for several years, presided over one of these tribunals. The hon. Baronet, after directing some remarks to that part of Sir John's speech, proceeded to offer his opinions upon the main question. In the first place, he begged to assure the President of the Board of Control, that with respect to India he had much to learn. He had said, for example, that the great body of British residents in India had no interest in the present motion, inasmuch as it referred exclusively to the country districts. But it so happened that all persons had occasion, at times, to proceed into the interior of the country, and in the course of their transactions might therefore, become involved in the litigation. The petitioners, in the present

instance, had no desire to perpetuate their privileges as Englishmen one moment beyond the period, at which the Government should think proper to raise the natives to a level with themselves; but, in the mean time, they justly objected to be degraded to the level of a people, whom their rulers deemed unfit to be entrusted with a free government. When the right hon. Member talked of equality, was he aware that the Hindus did not enjoy the privilege of trial by jury? Were the British, therefore, to lose that privilege? Were the absurd and inconvenient local laws of joint tenancy and inheritance to be extended to them? Were they to be allowed nine or ten wives? The circumstance that there had been only two appeals in twenty-three years might be accounted for by the fact, that the privilege of appeal was confined to the defendant, and it was moreover probable that the Government had an interest in discouraging its exercise.

Sir Charles Greville was nevertheless indisposed to concur with Mr Ward in his proposal for a Committee. He thought as much harm as good might be done in the report of a body, but imperfectly competent to deal with the subject, and he, therefore, intimated his intention of opposing the motion.

Mr. Hogg, also an Anglo-Indian lawyer, protested against Mr John Hobhouse's imputation upon the British courts in India. In the course of some general remarks on the subject, he observed that a great degree of evil had arisen, since 1813, from the employment of natives as judges in cases in which British-born subjects were

parties. In consequence of the validity of marriages, and of equity suits, this involved an injustice upon British living in India. It was asserted that Mr Hobhouse and his friends were determined to secure the removal of the most able members of England and France to the East, and to replace them by natives. He said he wished to see the effect of this, but he would not say that it was a step towards the improvement of the administration of justice, which they were very desirous to see improved. He said that he was not in the habit of saying that the natives were better than the English, but he was not in the habit of saying that the English were better than the natives either.

Mr. J. Lubbock, member for the County of London, moving for leave to bring in a bill to amend the law relating to the trial of persons charged with the commission of crimes in India, said that he was not in the habit of saying that the natives were better than the English, but he was not in the habit of saying that the English were better than the natives either. He said that he was not in the habit of saying that the natives were better than the English, but he was not in the habit of saying that the English were better than the natives either.

Mr. Ward, in the course of the debate, mentioned a statement made by the late Governor of India, saying that the natives were better than the English, but he was not in the habit of saying that the English were better than the natives either.

He then said that he was not in the habit of saying that the natives were better than the English, but he was not in the habit of saying that the English were better than the natives either.



ordinance, the Queen proceeded to Westminster for the purpose of proroguing Parliament. Being seated on the throne, her Majesty was addressed by the Speaker of the House of Commons. After adverting to the "vigorous and decisive measure," which had suspended the constitution of Lower Canada, and to "the large and extensive powers," which had been given to the Governor in Council of that province, "to be exercised under the control of her Majesty, and on the responsibility of her Ministers," the right hon. Gentleman proceeded to dwell at some length upon the Irish Poor-law bill. In the course of his observations upon this topic he expressed himself as follows.

"We have firmly adhered to these principles which have been sanctioned by general concurrence and experience, but we have not carried them further, than was necessary to give them a fair chance of success, and to meet the pressing exigency of the case. If the execution of this most important law shall be watched over and guided by the same prudent and impartial spirit, which governed our deliberations in its enactment, we confidently hope, that the benefit, which it is calculated to confer, will be gradually developed."

The Speaker then proceeded to bring under her Majesty's notice the Irish Tithe Bill, the bill for the abolition of imprisonment for debt in certain cases, and that for abridging pluralities, and making better provision for the residence of the clergy. "In passing these measures," continued the right hon. Gentleman, "we have again recorded our conviction, that the surest way to maintain respect for

our laws, and attachment to our institutions, is by gradually introducing such amendments, as are most likely to recommend them to the improving opinions and increasing knowledge of the educated classes of the community."

The Queen then gave the Royal Assent to a series of bills, after which she proceeded to read, in a clear and distinct voice, the following speech:—

*"My Lords and Gentlemen,*

"The state of public business enables me to close this protracted and laborious session.

"I have to lament that the civil war in Spain forms an exception to the general tranquillity. I continue to receive from all foreign powers the strongest assurances of their desire to maintain with me the most amicable relations.

"The disturbances and insurrections which had unfortunately broken out in Upper and Lower have been promptly suppressed, and I entertain a confident hope that firm and judicious measures will empower you to restore a constitutional form of Government, which unhappy events have compelled you for a time to suspend.

"I rejoice at the progress which has been made in my colonial possessions towards the entire abolition of negro apprenticeship.

"I have observed with much satisfaction the attention which you have bestowed upon the amendment of the domestic institutions of the country. I trust that the mitigation of the law of imprisonment for debt will prove at once favourable to the liberty of my subjects, and safe for commercial credit; and that the established Church will derive increased strength and efficiency from the

restriction of the granting of benefices in plurality.

“I have felt great pleasure in giving my assent to the Bill for the Relief of the Destitute Poor in Ireland. I cherish the expectation that its provisions have been so cautiously framed, and will be so prudently executed, that whilst they contribute to relieve distress, they will tend to preserve order, and to encourage habits of industry and exertion.

“I trust likewise that the act which you have passed relating to the composition for Tithe in Ireland will increase the security of that property, and promote internal peace.

*“Gentlemen of the House of Commons.*

“I cannot sufficiently thank you for your despatch and liberality in providing for the expenses of my household, and the maintenance of the honour and dignity of the Crown. I offer you my warmest acknowledgments for the addition which you have made to the income of my beloved mother.

“I thank you for the supplies which you have voted for the ordinary public service, as well as for the readiness with which you have provided means to meet the extraordinary expenses rendered necessary by the state of my Canadian possessions.

*“My Lords and Gentlemen,*

“The many useful measures which you have been able to consider while the settlement of the civil list and the state of Canada demanded so much of your attention, are a satisfactory proof of your zeal for the public good. You are so well acquainted with the duties which now devolve upon you in your re-

spective counties, that it is unnecessary to remind you of them. In the discharge of them you may securely rely upon my firm support; and it only remains to express an humble hope that Divine Providence may watch over us all, and prosper our united efforts for the welfare of our country.”

On the same day, and immediately before the House of Commons was summoned to attend the Queen in the House of Lords, Sir Robert Inglis had commemorated the labours of the session, in a tone of great satisfaction. He congratulated the right hon. Gentleman in the chair, and the House generally, on the termination of a session of almost unexampled duration, toil, and fatigue. He found that the House had sat 173 days, of which not less than 1,134 hours had been occupied with public business. The labours of the session, if compared with those which their predecessors had endured, presented a striking contrast. In the first session after the accession of George the Fourth, the House had sat but 111 days. The first session of William the Fourth only lasted 84 days. The first session of the present century was the longest, previous to that which was on the point of expiring, having been extended through 132 days. He thought the country would see with satisfaction the testimony of their devotion to the duties of legislation, as exhibited in the details he had just mentioned; but, at the same time, he could not but feel, that there was no circumstance connected with the session, that would give less satisfaction to the public, than the appearance of the great number of bills which had been introduced into the House within the few preceding

weeks—no less than 64 having been presented since the 1st of July, an evil requiring the gravest consideration of the House.

The principal domestic events of the year have, as usual, for the most part, fallen under some head of parliamentary history. A few still remain to be noticed. During the Easter recess of parliament, Sir Francis Burdett, attended by Lord Maidstone and Sir George Sinclair, amused the kingdom, by making a "Conservative progress" through the northern provinces. The hon. Baronet, known to a former generation as the ardent champion of universal suffrage, and annual, "or oftener if need be" parliaments, had become, of late years, a no less zealous antagonist of the principles which he advocated in his earlier career. So little, in fact, it must be supposed, did he understand what he formerly clamoured for on the hustings at Westminster, or so far was he from being in earnest at the time, that the comparatively small *modicum* of reform which was administered to the nation in 1832 thoroughly disgusted him by its effects, and converted him into an unflinching Tory. Whatever may have been the theory of Sir Francis Burdett's change of opinion, he certainly carried into his exertions for his adopted party, all the ardour of a convert; nor did the Conservatives fail to estimate duly the value of so distinguished an ally. A series of political banquets awaited Sir Francis and his two acolytes, in the course of his tour, at Leeds, Salford, Manchester, and other large towns; and his eloquence, animated and flowing as it always is, combined with the hearty English manner which distin-

guishes him, inspired his entertainers, on each occasion, with a redoubled determination to maintain inviolate the Constitution in Church and State.

In the autumn of the year, a very uneasy spirit began to display itself among "the working classes" in the manufacturing counties. Immense meetings were convened in various quarters, and the language of the demagogues who addressed the multitude on these occasions was highly inflammatory. The dissatisfaction of the people was, no doubt, connected with the new poor law, which was extending its operation through those districts; but it is probable that its more immediate cause was the very high price of bread. It was, however, a remedy of a very general and sweeping character that the populace was taught to demand, being nothing short of universal suffrage. A document, called the "people's charter," was framed and put in circulation, the articles of which, as may be supposed, are of a somewhat extravagant description.

It became a favourite practice with the parties to these transactions, to assemble by torch-light in the open air. A certain solemnity and mystery attached to these nocturnal meetings, which struck the imagination of the vulgar, and an opportunity of attending them was moreover afforded to those whose employment did not admit of their being present in the day time. Amongst others, a public meeting of the "*Chartists*," as they called themselves, was convened in the day time at Palace Yard, Westminster; but the proceedings seem to have been rather flat, though the speeches delivered

on the occasion were sufficiently violent; but the most numerous and important of these assemblages took place on Kersal Moor, near Manchester. The number present on this occasion was variously calculated; but there would seem to be reason for thinking that it did not fall far short of 200,000. Mr. Fielden, the member for Oldham, was called to preside; and he took the chair accordingly. Perhaps the political views of these "Reformers" will be best understood from the following passage of Mr. Stephens's speech.\* "The principle of the people's charter," said he, "was the right of every man that breathed God's free air, or trod God's free earth, to have his home and his hearth, and to have happiness to himself, his wife, and his children, as securely guaranteed to him as they are to every other man whom the Almighty had created. The question of universal suffrage was, after all, a *knife and fork* question. If any man asked him what he meant by universal suffrage, he would tell him, he meant to say that every working man in the land had a right to have a good coat and hat, a good roof over his head, a good dinner upon his table, no more work than would keep him in health, and as much wages as would keep him in

plenty, and the enjoyment of those pleasures of life which a reasonable man could desire."

The temper of the speaker, though it is hoped not of the greater part of the audience, may be collected from what follows:—

"I am speaking to hundreds of thousands; three out of four of whom have, in all likelihood, left their arms at home to-day. And why have you left them at home? Because you were afraid to bring them. [Here the speaker was interrupted by cries of "No."] No! why then have you left them behind you? Why, because the boroughreeve and constables of Manchester have declared that they repose the fullest confidence in the peaceable and loyal character of the people. If they had not made that declaration, I should have come myself armed to this meeting; I should have brought 10,000 armed men with me; I should have moved, had there been a necessity for it, an adjournment of this meeting for a month, and I should have exhorted every man in the country, capable of bearing arms, to flock to his standard, and, under it, to fight the battles of the constitution."

Such furious nonsense, perhaps, does no great mischief; and it has, at least, the effect of detaching reasonable men, and such as look to the *knife and fork* argument as applied to their own side of the question, from the Radical party. It may be considered fortunate for the country, that the Whigs were, at this time, in office, and therefore interested in restraining these ebullitions. Under a Conservative Government, the danger might possibly have been augmented; since the

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\* This person is a dissenting minister, and the most hot-headed of all these demagogues. His leading associates seem to be Mr. Oastler, who, however, principally confines himself to anti-poor law agitation, and Mr. Feargus O'Connor, and one Vincent, "a working man." An account of the indictment of Mr. Stephens, for uttering inflammatory and seditious haranges, will be found at the close of the Chronicle.

the Whig party, when in opposition, have never been remarkable for their forbearance in such emergencies.

We are bound, as annalists, to notice one circumstance which, throughout the year, was the subject of constant remark amongst all classes of her Majesty's subjects. We allude to the incessant attendance of Lord Melbourne upon the Queen. He became, to all intents, an inmate of her palace, and a companion of her court. To the nation generally, this appeared a very unbecoming relation to exist between the young Queen and her minister, and we believe that the prevailing feeling on the subject is not incorrectly represented in the following extract from "A Letter to the Queen," which appeared in the course of the year, and which, as being (we know not with what justice) ascribed to Lord Brougham, excited a great deal of notice.

"Downing-street and Whitehall are no longer the resort of the Cabinet. The official residences are deserted, and one palace holds the sovereign and the servants of the public. This novel and inconvenient, and not very seemly excess of royal favour, is at once injurious to the public service, and personally advantageous to the ministry. For, although it must necessarily prevent them from attending to the duties of their several departments, and thus make them far worse ministers than they might, by more diligence and harder work, become, They care mighty little for this, provided they gain a farther hold of your mind, and show the country more strikingly how unbounded is their influence."—  
"Whatever business they may

transact beyond the royal promenades must needs be transacted in writing."—"When you return to London, some months hence, no doubt, part of this serious evil will be removed; but only part. The ministers will be in London, and we shall no longer be governed by course of post; yet the chief among them will have their whole time divided between sleeping and attendance at your palace: no time for calm discussions; none for careful preparation of despatches and other state papers; none for meditation, to inform and enlarge their views on the great questions that occur; none for reading."

We by no means think that the tone of the pamphlet, from which we have borrowed the preceding passages, is justifiable, or in good taste; but we have made use of it, as conveying an idea of the practice complained of, which can hardly be defended as constitutional: and, in any other light, it is unnecessary to consider it here.

The question of an alteration in the charge for the transmission of letters by the post-office was beginning to occupy a great deal of attention. A proposal, startling at first, from its novelty, was submitted to the country, by a Mr. Rowland Hill, for substituting a uniform rate of one penny upon every half-ounce weight, regardless of distance. This scheme, after having been a good deal canvassed, seems to have found favour with the public and it is said that a project has been agitated for forming a company to farm the postage, undertaking to reduce the charge to one penny, and to guarantee the Government from loss.

The subject having been refer-

red to a committee of the House of Commons, they [reported, that the present high rates of postage are extremely injurious to all classes, interfering with moral and social improvement, restricting commercial enterprise, and impairing generally national prosperity. That they restrain the progress of art and science, circumscribe the operations of religious societies, prevent the transmission of medical advice, and act as a grievous tax upon the poor.

They state their opinion, that the illicit conveyance of letters prevails to an amazing extent, and is on the increase; that the law is impotent to arrest the practice, and that the only mode of effectually suppressing it, would be to reduce the charges to the standard of the contraband carrier.

They recommend, that prior to the establishment of an uniform rate of one penny, a similar rate of two pence per half ounce on inland general post letters should be adopted, increasing at the rate of one penny with every additional half ounce, with certain exceptions. And they further suggest, that as soon as the revenue will bear a large temporary reduction, it will be expedient to subject all inland letters to a penny postage the half-ounce, increasing, at the rate of one penny, as before stated. They advise, that payment of postage should be required in advance, and recommend, for the facilitation of this plan, the adoption of stamped covers, which should have the effect of franking the letters enclosed. The use of these stamps to be made compulsory, as soon as justified by experience. This arrangement would relieve the Post-office of a considerable portion of its financial accounts,

and render more secure the collection of the revenue.

The number of letters, of all sorts, that pass through the post-offices of the United Kingdom, are calculated at between 75,000,000 and 80,000,000 annually; of these about 5,700,000 are general post letters. The number of franks is about 7,000,000, and that of newspapers 44,000,000.

The parliamentary recess is the period of the year, which Mr. O'Connell more especially devotes to "agitation." From his retirement at Derrynane abbey he issues, in rapid succession, a series of tedious manifestoes, and evidently rejoices to indemnify himself for the comparative restraint which must be endured in the House of Commons by an unlimited indulgence of the rude and exuberant energies of his character. Accordingly, before the close of the session, whose annals have just been brought to an end, the learned gentleman left London, and arrived in Dublin on the 14th of August.

He convened, immediately for the following day, a meeting of his constituents, in order, as he said, to take into consideration, "ulterior measures, to procure from the British Legislature 'full justice for Ireland,' or to provide for the contingency of a perseverance in the refusal of that Legislature to right the people of Ireland." In pursuance of this notice, a large concourse of people assembled at the Corn exchange, and were addressed by the learned gentleman in that extravagant and braggart style which finds most favour with an Irish audience. He recapitulated the events of the session, and speaking of the Duke of Wellington, exclaimed,



"Oh! how hideous a thing it was that Ireland had produced him!" In the course of his harangue, the hon. and learned Gentleman intimated his intention of forming a new association, the exertions of which were to be directed to obtain for Ireland a greater share in the representation of the United Kingdom.

His plans for accomplishing this design he developed in a series of letters to the people of Ireland couched in his usual style, and otherwise very little deserving of attention. He founded his allegation, that Ireland had not her fair proportion of Members of the House of Commons, on the following *data*. By the last census, the population of England and Wales, was 13,899,675; that of Scotland, 2,365,930; that of Ireland, 7,943,940. Scotland has, at present, 53 representatives, whereas Ireland has but 105. So that, speaking in round numbers, the Scotch have half the number of representatives possessed by the Irish. Whereas, in order to be on an equality with the Scotch, the Irish ought to have 159. And in order to be on an equality with the English, they ought to have 166. But Mr O'Connell declared, that he would be satisfied with 150.

He complained "of the innate distaste" of the Ultra-Radicals for Ireland, and that even the moderate and judicious Reformers of England "are cold to frigidity, in their desire to see Ireland righted.\*"

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\* Mr. O'Connell's "second letter" contains the following odd passage "When Lord John Russell, in his second and deliberate speech, argued

In his third letter, Mr. O'Connell developes his scheme. After remarking that "the present Ministry would obtain justice for Ireland, if they could," and that "the English Tories are too strong for them," he details the new plan, which involves "the organization of an association sufficiently numerous to speak the sentiments of all Ireland." It is for this purpose," continues Mr. O'Connell, "that the 'Precursor Society,' has been established, and is now in progress of enrolment. The enrolment list is in the hands of Mr. T. M. Ray, at the Corn-exchange rooms, Dublin, the acting Secretary to the "Precursors." It is necessary to pay him one shilling at the enrolment."

"As in the Catholic association, men, women, and children, can, if they choose, be enrolled." He then proceeds to say, that the operations of this body will be conducted by local boards corresponding with the central society. The letter thus concludes, "one great experiment more, then justice to Ireland, or the repeal!"

The duty of "the Precursor society," in every parish, is to procure petitions to Parliament for "justice to Ireland;" for a complete and satisfactory corporate reform; for an amendment of the law of election, and extension of the suffrage, and an increase of representatives, and for carrying out to the fullest extent, the prin-

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against the ballot, I went to my bed in sadness and sorrow, and during a sleepless night—I may be laughed at for avowal—shed many and bitter tears." The image of a stout, hale old gentleman like Mr. O'Connell, in bed, and sobbing himself to sleep is irresistibly ludicrous.

ciple of religious equality. The Precursors are also instructed to furnish accurate details of the state of the franchise in each parish, and to assist in keeping up and extending the registry.

We may here mention Colonel Shaw's resignation of the office of inspector-general of the Irish constabulary force. When the Irish Constabulary Bill was passing through Parliament, much objection was felt, in both Houses, to the transfer of the patronage from the hands of the local magistracy, who had theretofore appointed a part of the police force, into the sole power of the Lord-lieutenant. However, it appears, that upon its being announced, that Colonel Kennedy had been selected for the office of Inspector-general—a gentleman, as free from exception on the score of party, as upon all other ground—the opposition to the proposed measure was, to a considerable extent, withdrawn. But, unfortunately, Colonel Kennedy did not long remain in the situation, which, with the concurrence of all parties, he had been invited to assume. He

tendered his resignation in the Spring of 1838, and it was, we know not how accurately, understood that he had been induced to take that step in consequence of some interference of the Irish Government in the department under his direction.

In reply to some questions which were asked by Sir Robert Peel, on the 23rd of March, upon the subject, Lord John Russell said, that he must decline to state the reasons of Colonel Kennedy's resignation, as the disclosure might lay the seeds of future discussions upon the subject which would be highly inconvenient. But, at the same time, he promised, that before a successor should be appointed, Colonel Kennedy, himself should be consulted respecting the general management of that force, and the possibility of improving it, and that the new Inspector-general would be appointed on a similar principle to that which regulated Colonel Kennedy's nomination to the office, that is to say, personal fitness, without regard to party considerations.

## CHAPTER XVI.

*Despatch from Lord Glenelg to Lord Durham, informing him of the Fate of the Ordinance—Lord Durham determines to resign—Correspondence between Lords Durham and Glenelg—Vindication of his Policy by the former—His Objections to Lord Glenelg's Plan for supplying the Defects of the Ordinance—Sir John Colborne requested to remain in Canada—Lord Durham's Proclamation notifying the disallowance of the Ordinance—Its objectionable Character—Lord Glenelg's strong Remarks upon it—Proceedings in Lower Canada with respect to Lord Durham's approaching Departure—Addresses—Dinner of the Guards—Sir James Macdonnell—Lord Durham sails from Quebec—His arrival at Plymouth—His reception at Devonport, Plymouth, and Exeter—His Speeches—Observations on the Treatment experienced by Lord Durham by both Friends and Opponents at Home—His Report on the British North American Colonies—The Animosity between the French and English Race in Lower Canada—Anomalies of our present colonial Government—System of jobbing public Money in the North American Provinces—Imperfections of the judicial System in Lower Canada—Court of Appeal reorganised—Appearances of approaching Insurrection in Lower Canada—Sir John Colborne's Precautions—Rising in Beauharnois—Capture of Mr. Ellice—Gallant Conduct of Indians at Caughnawaga—Rebels collected at Napierville—Dispersed—Combats at Odell Town—Release of Mr. Ellice—Excesses of the Loyalists at Beauharnois and other Places—American Invasion of Upper Canada—Brigands land at Prescott—Attack and defence of their Position—They surrender, after a considerable resistance—Affair near Sandwich—Atrocities of the Sympathizers—Murder of Dr. Hume—Courts Martial on the prisoners—Executions in Lower Canada—Cardinal and Duquette—Great number of State prisoners—Release of the exiles at Bermuda—Return of some of the refugees excepted from the Amnesty—Escape of Theller—Sir John Colborne appointed successor to Lord Durham with full powers—Discontent of the Militia of Upper Canada—Difficulty of disposing of the prisoners—Application of the inhabitants of Oswego, in New York, in behalf of those taken at Prescott—Courts Martial at Kingston—*

*Executions—Von Schoultz—Loyalty of French in Upper Canada—Observations on Colonial Government.—NEW BRUNSWICK.—Harmony of the Executive with the Assembly in that province—Zealous loyalty displayed by the Legislature.—NOVA SCOTIA.—State of parties—Proceedings of the Legislature.—PRINCE EDWARD'S ISLAND.—Evils arising from profuse grants of public lands—Contrast between the British North American Colonies and the United States—NEWFOUNDLAND.—Religious Dissentions—Roman Catholic Petition—Alleged grievances—Memorial of merchants connected with the Colony—Arbitrary conduct of the House of Assembly—Alleged conduct of Roman Catholic priesthood—Character of the population.*

**I**T could have been with no very enviable feelings that Lord Glenelg penned the despatch to Lord Durham which communicated the determination of ministers to annul his ordinance. After informing him, that so much of that edict as related to the Bermudas, was generally admitted to be invalid, he adds, that the law officers of the Crown were of opinion, that in all other respects its provisions were within the competency of the governor and special council. But, in consequence of the discussions in Parliament, and the extreme unpopularity of the penal parts of the ordinance, the government, "compelled as they were to admit, that a portion of the ordinance, though comparatively unimportant, rested on no legal foundation, most reluctantly advised her Majesty to disallow the ordinance." Lord Durham is then directed, with a view to prevent the return of the Bermuda prisoners, to pass an ordinance subjecting them to such penalty, short of death, as may be thought expedient, in the event of their being convicted of returning to the province without permission. "With regard to those who had previously fled from justice, it might be sufficient, by proclamation, or any other clear and unam-

biguous channel of information, to make it publicly known, that should they re-enter the province, they would be forthwith arrested, and dealt with according to law, on the charge of treason." The expediency of suspending the Habeas Corpus act is pointed out, as well of giving to such suspension as much publicity as possible. The despatch concludes with an assurance of the earnest desire of ministers to afford Lord Durham the utmost support in the discharge of his arduous duties—an assurance, it may be thought, of no great value in his eyes, after what had happened. But, before this letter reached its destination, Lord Durham had notified to Lord Glenelg his resolution to resign his office. The incessant persecutions to which he was exposed in the House of Lords, the backwardness of ministers in his defence, and the injurious effects of these circumstances upon the moral authority of his government, form the theme of a despatch of the 25th of September. Upon two things alone, he wrote, he could chiefly rely for ultimate success. First, the great extent of the legal powers conferred upon him. Secondly, the impression, which prevailed throughout the colonies, that he might reckon,

with perfect confidence, on the undeviating support and approval of the government. By the proceedings in question, he was deprived of these, the only, but all-sufficient grounds of confidence in his own exertions. The *prestige* of his situation was gone for ever. Under such circumstances, he felt, from the first, greatly tempted to resign an authority which appeared to have become inadequate to the emergency which alone had called it into existence. But he did not give way to despair; and had made up his mind to struggle on with his task, when an *American newspaper* made him acquainted with the proceedings in the House of Lords of the 7th, 9th, and 10th of August. "At present," says he, significantly, "no other information on the subject has reached me." He, at once, therefore, resolved "on quitting a post which had been rendered untenable by those from whom he expected every possible assistance in maintaining it."

Shortly afterwards, Lord Durham forwarded to the colonial office a statement of the grounds, upon which he was prepared to maintain that no part of the ordinance was illegal, however inoperative it might, and must of necessity be, without assistance and co-operation at home. The despatch (28th September), containing the argument upon this subject, will be found in the Appendix, and is not undeserving of attention. In another state paper of the same date with the last-mentioned, a part of which we subjoin, the governor-general enters, at great length, into an examination of the conduct of ministers in the late proceedings, and, as we think, very effectually disposes

of the question between them and himself.

"Your lordship informs me," says Lord Durham, "that her Majesty's government felt it their duty to offer a decided opposition to the second reading of the bill introduced by Lord Brougham; but in what, I venture to ask, did that opposition result? In a concession far more calculated, as it appears to me, to weaken my hands than would have been any vote of the House of Lords, in which, it is notorious, that her Majesty's government have never commanded a majority. A vote of the House of Lords, adverse to her Majesty's government, or merely condemnatory of any proceedings of mine, would have been considered almost as a matter of course in the present state of parties; and would, if it had been decidedly opposed by the ministers, have left my authority untouched, because it would have been attributed to the mere party motives of a powerful opposition. Supposing that such a vote had passed, there would have remained the House of Commons, where, I am bound to presume, that a measure, decidedly opposed by her Majesty's ministers, would not have been adopted. In that case, the Parliamentary proceedings on this subject would but have resembled many others which have occurred of late years, and which have left the government unharmed by a hostile proceeding of the House of Lords. I should thus have suffered no greater inconvenience than such as any government must be subject to, which is vigorously, and almost constantly, opposed by a majority in the Upper House. As respects these colonies, I do believe, that the inconvenience

would not have been very great. But, at all events, my acts and my authority would have been supported by the House of Commons and the Crown. How different is my actual position! In order to stop hostile proceedings in the House of Lords—(for, after your lordship's despatches, approving of all my measures, I can discover no other motive for the step)—her Majesty's ministers determine on advising the Crown to render abortive the most important act of my government. The Crown, therefore, whose representative I am, condemns me on the ground that I have acted illegally. But this is not all; the manner of the condemnation requires (at least, so it is supposed by those who advised it,) that I should be saved harmless from the consequence of the measure, which, whatever it may have been before, they render null and void. They imagine that I require such a shield; they think that, without it, the prisoners now in Bermuda, whom I refused to subject to the jurisdiction of such a tribunal as would assuredly have condemned them to death; whose property, as well as lives, I spared; whom I saved from the ignominy of transportation as convicts; whose parole of honour I took as sufficient security for their not attempting to escape; that these men are to sue me for damages for such treatment. This is the opinion of her Majesty's ministers; and, therefore, having disallowed the ordinance, they support, in both Houses, the bill of indemnity. In addition to all this, the act requires that it should be proclaimed here; and I am thus compelled, unless I should instantly resign, to join in the condemnation that has been passed on me by the

Crown, the Lords, and the Commons. I may surely be permitted to think, that adverse votes of the House of Lords would have been infinitely preferable to the course which has been taken, in order to avert that evil."

After this remonstrance against the conduct of ministers, Lord Durham proceeds to vindicate his own policy. With respect to the particular defect of the ordinance, which led to the disallowance of the whole, he contends, for reasons given in the last despatch, that he had power to banish people from the province, to keep them in custody during the transit, and to land them at Bermuda, or elsewhere; but he admits, that, as he well knew throughout, his jurisdiction did not extend further. Once landed in Bermuda, the prisoners were subject only to the laws of the island. It was known that they could be forcibly detained within the precincts of Bermuda, only by provisions to be made for the purpose by the legislature of the island, or by the Imperial Parliament. The words of the ordinance, which authorised her Majesty to impose restraints in that island, could give her no power which she did not antecedently possess. They were, it might be admitted, mere surplusage. But did it follow, that because they were inoperative, that the entire instrument containing them, became, *ipso facto*, illegal? Or, supposing some such technical necessity to arise, as lawyers alone could have discovered, was it not merely a technical necessity, and was it not the duty of the government to take care that a great and beneficent purpose should not be frustrated by any error which they could



rectify, or by the want of any power which they could supply? If they found the ordinance inoperative, they should have given it effect—if illegal, they should have made it law. It involved a policy, of which the leading features and animating spirit had been sanctioned by almost universal consent; it had hardly been impugned, even in that province, by the friends of those whom it punished, or by those whose sense of justice was a little shocked by the supposed inadequacy of the penalties which it supplied. It had been generally and cordially approved by the people in the adjacent states—the people in the world the most competent to judge without passion of the local necessities of the case, and not the least ardent in their love of freedom and their respect for the law. It had not, even amid the acrimony of party debates at home, been denied by any person, whose opinion was of weight, to possess the merits of substantial justice, mercy, and sound discretion.

After some remarks on the future impossibility of his governing the country with any effect, he goes on to consider Lord Glenelg's suggestions (already stated) of the course which it was advisable to in the present emergency. Another ordinance had been recommended, banishing from the province the eight persons who had been sent to Bermuda, and forbidding their return under some penalty, short of death. It was not quite clear, upon Lord Glenelg's despatch, whether this suggestion was intended to be confined to the eight Bermuda prisoners, or to include Mr. Papineau and the others who were at large and in exile. In either case, Lord Durham forcibly points out the futility

of Lord Glenelg's device. "If the ordinance, which you propose, were to exclude only the eight persons now in Bermuda, it would be useless and iniquitous. There would be no justice in punishing Mr. Bouchette for being taken, while Mr. Gagnon, the companion of his guilty enterprise, is allowed to return unmolested to his home; or in dooming Dr. Wolfred Nelson to a severer lot, than that assigned to his brother, who was not only guilty of treason previous to leaving the province, but has since invaded it, at the head of an armed band of foreigners and refugees. If it be politic to allow Mr. Papineau to return, it is petty and needless cruelty to banish from their homes his bolder, and therefore less dangerous, tools. If the ordinance were to include Mr. Papineau, and the others who have been banished without a trial or confession of guilt, the ends of substantial justice would be attained in the same way as in the disallowed ordinance, and the new ordinance would be liable to the same objections as those urged against the former one. The mere substitution of a milder punishment in place of that of death would obviate none of the objections made on principle to the infliction of any penalty without trial. To the suspension of the Habeas Corpus, also suggested by Lord Glenelg, Lord Durham said, he entertained strong objections. It seemed to him, "that men's notions of right and freedom, would be more shocked at such an universal violation of every man's dearest rights, than by any summary process, adopted for the punishment of undeniable guilt of a few. In the event of a general outbreak, it might be proper that the govern-

ment should be armed with the power of arresting objects of its suspicion, without trial; but there existed no such necessity at present, and he did not think it justifiable to take away the franchises of a whole people, in order to punish a few known and dangerous individuals, or to guard against the misconduct of twenty-three men, by enveloping them in a general forfeiture of personal liberty.

Having intimated his intention of remaining a few weeks longer, for the purpose of completing certain measures and inquiries then in progress, he concludes his nervous and animated despatch, by remarking, that the government of those colonies required something more than a knowledge of the common and statute law of England, and that he should never regret having wielded his despotic powers in a manner, which he was anxious to declare inconsistent with the British constitution, until he learned "what are the constitutional principles that remain in force, when a whole constitution is suspended; what principles of the British constitution hold good in a country, where the people's money is taken from them without the people's consent; where representative government is annihilated; where martial law has been the law of the land, and where the trial by jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community."

On the same day, that Lord Glenelg wrote to Lord Durham to notify to him the result of the proceedings in Parliament, he addressed a note to Sir John Colborne, entreating him to abandon his intention of retiring from the

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province. Upon the receipt of Lord Durham's first announcement of his intention to throw up the government, the colonial secretary replied, in soothing and complimentary phrases, acknowledging that the Earl had much reason to complain, but entreating him, upon public grounds, to reconsider his decision. But, in the sequel of the correspondence, a very different tone is apparent in his letters. Applying himself to Lord Durham's arguments in vindication of his policy, he writes "Your Lordship has now informed me, for the first time, that, that (the Bermuda) part of the ordinance was passed with a full knowledge that it was wholly inoperative, and that you were aware, that the prisoners could not be compelled to remain in Bermuda, without the adoption of measures in aid of your legislation by the authorities of the island or empire. Her Majesty's Government have to regret, that, until the receipt of your recent despatches, they had no reason to believe that such was your view at the time when the ordinance was passed. As the prisoners were sent to Bermuda, within a few days of the passing of the ordinance, and long before it could possibly reach this country, the intervention of the legislature of the Bermudas, on which you relied, could not have been made available at the suggestion of her Majesty's Government. The propriety of proposing a measure to the Imperial Parliament, to supply the defect in the ordinance, did not escape the attention of her Majesty's Government. Your Lordship will not expect me to state in a despatch the reasons which induced her Majesty's Government, after full deliberation,

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to think such a course inexpedient."

It must be owned, that Lord Durham had apparently disclosed to no one his consciousness that the ordinance was illegal, until Parliament had pronounced sentence upon it, and Lord Glenelg's rejoinder seems so far unanswerable on that ground.

On the 9th of October, Lord Durham, in obedience to the mandate of his official chief, proclaimed the act of indemnity (1 and 2 Victoria c. 112), and notified her Majesty's disallowance of the ordinance. And from this point, we must own it is not so easy to justify Lord Durham's conduct. In the proclamation, which accompanied the promulgation of these acts, he forgot alike what was due to the country and to himself. It was deservedly condemned by all parties as unbecoming the office and character of the Queen's representative, and it would be difficult to defend it from the charge of being in a high degree seditious and inflammatory. Its direct tendency was to increase the disaffection already prevailing, and to place the restoration of peace and tranquillity and constitutional Government at a greater distance than ever. This most improper manifesto\* will be found inserted in the appendix, and after making every allowance for the provocation which Lord Durham had received, and for that constitutional irritability of temperament which would render him so much alive to the full force of that provocation, no one, we feel assured, will read it, with-

out assenting to the justice of Lord Glenelg's remarks upon it, severe as they are. "The proclamation of the 9th of October, her Majesty's confidential advisers regard not merely as a deviation from the course which has hitherto been invariably pursued by the Governors of British possessions abroad, but as a dangerous departure from the practice and principles of the Constitution. They consider, as open to most serious objection, an appeal by such an officer to the public at large, from measures adopted by the Sovereign, with the advice and consent of Parliament. The terms in which that appeal has been made, in this instance, appear to her Majesty's ministers calculated to impair the reverence due to the royal authority, to derogate from the character of the Imperial legislature, to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which your Lordship's successor will have to contend. The ministers of the crown having humbly submitted this opinion to the Queen, it is my duty to inform you, that I have received her Majesty's commands to signify to your Lordship her Majesty's disapprobation of your proclamation of the 9th of October. Under these circumstances, her Majesty's Government are prepared to admit, that your continuance in the Government of British North America could be attended with no beneficial results."\*

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\* This manifesto procured for its noble author, from the "Times" newspaper, the title of "the Lord High-Seditioner."

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\* It is impossible to read the following passage from Lord Durham's manifesto without astonishment. "The proclamation contained an entire amnesty qualified only by the exceptions specified in the ordinance. The ordinance has been disallowed, and the proclamation is conformed. Her Majesty having been advised to refuse her assent to the ex-

The rest is soon told. Public meetings were convened, and addresses, expressive of sorrow at his untimely resignation, poured in upon Lord Durham from all quarters, and elicited replies couched in terms even more objectionable than the language of the proclamation itself. Among other occurrences connected with this occasion, a farewell dinner given by the officers of the guards at Quebec to the departing Viceroy, excited a good deal of attention at the time, and did not escape censure. It was thought, that, not only were these military manifestations objectionable on general principles, but that there was something in the present instance, unusually unsuitable in such a demonstration of respect to a public functionary whose conduct had brought him into collision with the Queen's Government at home. The speeches delivered upon this occasion, by Sir James Macdonnell, who commanded the brigade of guards, however flattering to Lord Durham, certainly evince that, that officer had for a moment lost sight of the relation in which the military stand to the constitutional authorities of the empire.

On the 1st of November, Lord

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ceptions, the amnesty exists without qualification. No impediment, therefore, exists to the return of the persons who have made the most distinct admission of guilt, or who have been excluded by me from the province, on account of the danger to which its tranquillity would be exposed by their presence. And none can be now enacted, without the adoption of measures alike repugnant to my sense of justice and of policy." The effect herein assigned to the repeal of the ordinances, is at least doubtful; but at all events, Lord Durham, if not blinded by passion, might have left it to the refugees to make the discovery,

Durham sailed from Quebec, in the "Inconstant" frigate, and, on the 26th, he arrived in Plymouth harbour. At Devonport and Plymouth, he received complimentary addresses, and, we regret to say, was betrayed, upon these occasions, into renewed indiscretions. In his somewhat inflated replies to the addresses, he betrayed a feeling of self-importance which must be pronounced not altogether undeserving the ridicule which it incurred. He informed the mayor and "Liberals" of Devonport, that "they would never have reason to repent the confidence they had placed in him, or the declaration which they had that day, made of their approbation of his Government." "I have already," he says, in another passage, "explained the nature and scope of the policy which I pursued upon that subject, I shall, when Parliament meets, be prepared to make a representation of facts wholly unknown here, and disclosures which the Parliament and people have no conception of." \*

To the Plymouth address, he replied partly as follows. "I have the happiness to know, that in *effacing the remains of a disastrous rebellion*, and administering justice, I have not found it necessary to shed one drop of blood, or confiscate the property of a single individual.

"I had conciliated the esteem of a great and powerful nation, in which were to be found all the elements of danger or security to our North American possessions; I had seen commerce and enter-

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\* At this meeting, Sir W. Molesworth stated his approval of Lord Durham's Canadian policy.

prise reviving, public confidence restored, and the field at length laid open for me, where I could raise a constitutional edifice worthy of the British name, and resting on such broad and comprehensive foundations as would ensure the good government of the colonies, and the perpetuation of their connexion with the British Crown.

"In this career of, I humbly but fearlessly venture to assert, complete success, I have been suddenly arrested."

Unfortunately, while he was uttering these sentences, the mail was conveying from Liverpool the alarming intelligence just received of the renewal of that rebellion, all vestiges of which, Lord Durham was assuring the good people of Plymouth, that he had effaced, and of the invasion of Canada by the citizens of that great nation, whose "esteem," he had "conciliated." A rebellion and an invasion which it seems had been in a course of active organization ever since the preceding June. When, therefore, Lord Durham reached Exeter, where another address awaited him, he found it necessary to change his tone. "That the lamentable events in Canada, which have taken place," said his Lordship, "would inevitably take place, was foreseen by me; and every preparation was made, consistently with the means at my disposal, for meeting them vigorously and efficiently. But their permanent suppression, and the impossibility of their occurrence, must depend on the Government at home, who have long been apprised by me of the certainty of their recurrence, and on the British Parliament, who cannot, must not, shrink from the fullest and earliest inquiry into a

subject which regards not merely the lives and properties of so large a portion of her Majesty's subjects, but the highest and most important interests of the empire."

Thus, it would appear, that he had foreseen all along as inevitable the recurrence of that rebellion, and had made preparation for meeting it, the very remains of which, he had three days before, boasted of effacing.

That Lord Durham had received serious provocation we think undeniable. The conduct of the Ministers was such as he must have been expected to resent. In the attacks made upon him in Parliament, they afforded him but a feeble and an irresolute defence; so that, from the very beginning, he found reason to complain of the inefficient support which he was receiving. In annulling his ordinance, their conduct is as difficult to understand as to justify. Affirming, as they did in the most unreserved terms, that that edict was as legal, as it was wise, just, and merciful, they abrogated it in deference to a branch of the Legislature, whose authority they never before hesitated to defy, and whose resistance, on other occasions, they were in the habit of encountering with menace and reproach. Indeed, we can only account for their deference on this occasion to the opinion of the upper House, by an apprehension, that an appeal from it to the House of Commons might not have been successful. Had they reason to suppose, that the Radical section would support the conservatives in their denunciation of the ordinance, the issue must certainly have seemed doubtful.

It might perhaps have been wished, that the opposition had displayed



greater forbearance in their treatment of Lord Durham. As from the first, they had emphatically announced their readiness to forego all party feelings and practices, at a crisis affecting the integrity of the empire, it was not open to them to resort to the ordinary expedients by which, in the contentions of faction, it is considered lawful to harass, or overthrow an antagonist. It was, therefore, scarcely fair, as it was certainly ungenerous, to catch at the half fabulous rumours, such as the vulgar delight to listen to, concerning the ostentatious extravagance of the new Viceroy; his plate, his retinue, his regal state. Was it material whether a few pounds more or less were laid out in fitting up the ship which should convey him to the province, he was to save, or whether he had four, or six, or a dozen aides-de-camp to carry his despatches, and adorn his court? Or, was that a season for grave discussions in Parliament on such trifles? Nor was it, perhaps, indispensable, that the private character of persons, whose assistance he had thought proper to secure, should, from the very beginning, become a subject of Parliamentary comment. No doubt, for every delinquency, great or small, Lord Durham was responsible. And a period must have arrived, when it would have been free to every Member of Parliament, to call him to account, whether for squandering the public money, or for bringing discredit on the public service. But it was unworthy of the party, to harass a statesman bent on a great adventure, and filling a large space in the eyes of Christendom, with such petty criticisms as those alluded to, at the very outset of his mis-

sion. Nor do we find more to admire in the policy, which first sanctioned the idea, that he possessed dictatorial power, and then took fright at its earliest exercise, though for a wise and beneficent purpose. Lord Brougham, indeed was consistent throughout; he resisted the creation, and he had a right to protest against the exercise, of an unconstitutional authority; not so, however, the main body of those, who were most active in promoting the repeal of the ordinance. They had permitted the opinion to prevail, unchecked by any declaration of theirs to the contrary, that a despotic power *was* conferred upon Lord Durham; that the words of the act, empowering him to make such laws or ordinances for the peace, welfare, and good government of Lower Canada, as the Legislature of the province had authority to make, were to be taken in their obvious acceptation; and they cordially assented to that statute, at the time it was passed. Accordingly, when the time for condemning the ordinance arrived, its impugners unanimous only in their conclusion, exhibited a strange diversity of allegation, in stating their respective grounds of objection.

Some, we have seen, held it to be illegal, others unconstitutional only; what some pronounced to be the pre-eminently unsound part, others maintained to be the only portion of the whole which admitted of a moment's defence; some thought, that the provincial Legislature, if existing, could have passed a similar act, others detected an inherent vice in the measure, an incongruity with the elementary principles of justice, which removed it from the scope of even



parliamentary action. Some insisted upon a certain proviso, as restraining the Governor-general from performing this particular act, but the framer of the proviso himself, the most distinguished lawyer in the country, admitted, that when he moved the insertion of that clause in the bill, such a contingency as the present had never occurred to him. Some, again, saw no analogy between Sir John Colborne's ordinances and Lord Durham's. Some, who happened to be lawyers, admitted, that the Colborne edicts were also illegal, but in a minor degree; while others refused to look at the latter at all, or to pronounce any opinion upon them. And it is notorious, that up to a certain period of the discussions, and long after the condemnation of the Durham ordinance, no one at all, bethought himself of inspecting Sir John Colborne's acts, and few were even aware of their titles. Such was the unfairness and levity, with which the attack upon Lord Durham was taken up in some quarters. The Governor-general was much censured for not convening a substantial special council. The few gentlemen who assembled under that name, only the very day on which the ill-fated ordinance was promulgated, did so, it must be admitted, in a merely evasive compliance with the letter of the act of Parliament. But it will be found on reference to the debates in Parliament, that little else was contemplated, and that it was a pretty general understanding among all parties, that the powers which according to the language of the act, were bestowed upon the Governor and Special Council, would in effect be entirely absorbed by the Earl

of Durham individually. It would, however, probably, have been fortunate for this nobleman, had he associated in his councils some individuals competent to take a more accurate view of the probable effect upon the public mind in England of his policy, than seems to have occurred either to himself or his advisers. In all great public undertakings, it is essential to their success, that we should consider, not only what impression is likely to be produced upon the wise and disinterested by any given measure, but also what handle the prepossessions and habitual modes of thinking of the vulgar (using the term in its widest application) are likely to afford to faction. Had Lord Durham been more cautiously advised with reference to such considerations as these, he might have had a Special Council, less open to exception, but equally compliant, and might have passed ordinances which, while they were more in accordance with the phraseology of Westminster-hall, would not less have subserved his designs. His course might have been less direct and open, but it would have been successful.

The truth is, that in selecting the Earl of Durham for so arduous and critical an office, ministers made an unfortunate choice. Able and popular, and upright as that nobleman may be, there were reasons for supposing that, in certain not inconsiderable particulars, he was ill suited to the task; and the result justified the misgivings of those, who apprehended all along, that Lord Durham might fail in an undertaking which pre-eminently demanded temper, self-control, and an utter abandonment of personal considerations. High-minded and energetic; gene-

rous, at least, and often comprehensive in his views; vigorous and acute in his faculties, Lord Durham sunk under the first reverse: he was no sooner thwarted than he was utterly disabled, and losing all self-possession, gave way to a childish access of passion, from which he did not awake before he had compromised his own dignity, and done much prejudice to the public service.

The fruits of Lord Durham's mission consist chiefly of an able and interesting report on the British American provinces. The source of all the evil in Lower Canada he assigns to the mutual animosity of the two races which inhabit it, and who are arrayed against each other in intense and enduring hostility. Our happy immunity from such feelings renders it difficult for us to comprehend the intensity of hatred which the difference of language, of laws, and of manners, creates between those who inhabit the same village, and are citizens of the same state. The distinctions in language, religion, and education, are not softened down by social intercourse. The French and English of the upper class seldom or never meet in society; there is no combination among them for public objects; each nation has its own banks, its own steam-boats, its own hotels.\* Both seem to in-

herit, even in an exaggerated degree, the peculiarities of their origin. The French are the French of the old regime; the English are ultra-English. "It is not anywhere," says Lord Durham, "a virtue of the English race to look with complacency on any manners, customs, or laws which appear strange to them; accustomed to form a high estimate of their own superiority, they take no pains to conceal from others their contempt and intolerance of their usages."

This national feud is found to be the origin and essence of every dispute which divides the community; the dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel: and every contest is one of French and English in the outset, or becomes so ere it has run its course.

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national ploughing matches were carried on in separate, and even distant fields." We may here mention a remarkable feature in the structure of French Canadian society from the same authority. From the facilities afforded, by public foundations, for the higher branches of education, the professions are greatly over-stocked. Two or three hundred young men are turned out from the public schools annually. Almost all of these are of humble extraction; averse to descend to the occupations of their parents, a few become priests, the residue return home to swell the list of advocates, notaries, and surgeons. With these every village swarms. Thus, the persons of most education are connected, by ties of blood and intimacy, with the most illiterate *habitans*. The most perfect equality marks their intercourse, and the superior in education combines the influences of superior knowledge and social equality, and wields a power over the mass, possessed by the educated class in no other part of the world. To this state of things Lord Durham attributes the extraordinary influence of the Canadian demagogues.

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\* Lord Durham mentions the following striking instance of non-intercourse. "I accepted the office of President of the Agricultural Association of the district of Quebec, and attended the show previous to the distribution of prizes. I then found that the French farmers would not compete, even on this neutral ground, with the English: distinct prizes were given, in almost every department, to the two races; and the

But Lord Durham also discovers something inherently vicious in our present endeavour to combine representative with irresponsible government in our colonies, stinting the popular branch of the legislature of the necessary privileges of a representative body, giving them indeed power over the supplies, liberty of speech, and political consideration, and then, under the plea of colonial dependance, nullifying the powers thus bestowed. A representative government of this kind becomes a mockery, and a source of confusion. No popular body will consent to to act in subordination to another power; and, while held in subjection, it will make use of all its powers, and direct all its energies, towards its own emancipation. Another of the great evils in the North American provinces is, the extent to which the system of *jobbing* is carried. There is a perfect scramble among the Assembly, to get as much as possible of the public money for their respective constituents; general politics are made to bear on private business, and private business on general politics; and the payment of public services is cut down as low as possible, in order that more may be divided amongst the constituent bodies. "Where we want a bridge, we take a judge to build one," said the member of a provincial legislature; thus describing the mode in which public were sacrificed to local interests. Ten thousand pounds was, during the last session, appropriated by the legislature of Nova Scotia to local improvements. This sum was divided into 830 portions, and as many commissioners were appointed to expend it, giving, on an average, a commissioner for every

12 $\frac{1}{2}$ ., with a salary of 5s. a day, and a further remuneration of two and a half per cent. on the money expended! Such is the *jobbing* in Lower Canada, that in the schools, a great proportion of the teachers can neither read nor write.

Of the judicial system, Lord Durham speaks most unfavourably. "Beyond the walls of Quebec, all regular administration of the country appeared to cease; and there literally was hardly a single public officer of the civil government, except in Montreal and Three Rivers, to whom any order could be directed. The Solicitor-General commonly resides at Montreal, and in each of the districts there is a Sheriff. In the rest of the provinces, there is no Sheriff, no Mayor, no constable, no superior administrative officer of any kind. There are no county, no municipal, no parochial officers, either named by the Crown, or elected by the people." The cities of Quebec and Montreal are now without any municipal government.

For judicial purposes, the province is divided into four superior districts, having unlimited and supreme jurisdiction, and one inferior, with limited jurisdiction. The four superior are those of Quebec, and Montreal, Three Rivers and St. Francis; the inferior is Gaspé. Each of the courts of Quebec and Montreal has a chief, and three puisne judges. There is but one judge at Three Rivers and St. Francis respectively. In spite of the immense extent of these districts, the parties are, in almost all cases, brought up to the chief towns for the trial of their causes.

The Court of Appeal, the highest tribunal of the province, is

composed of the executive council, under the presidency of the chief justices of Quebec and Montreal, each presiding in turn, according to the district from which the appeal comes in. The one judge sitting on appeals from the district of the other.

This court was re-organized by Lord Durham, in the following manner. He called to the executive council the chief justice, and one puisne judge, from each of the districts of Quebec and Montreal, together with M. Valliere St. Real, the judge of Three Rivers, who is described as the ablest French lawyer of the province.

We may now take leave of Lord Durham for the present. In a future volume, we shall probably take occasion to revert to the report from which the preceding remarks have been extracted.

So early as the middle of October, there existed in the public mind in Canada, an expectation of a renewal of the rebellion, in the ensuing winter. On the 20th of October, Lord Durham informed Lord Glenelg that the indications of mischief were so numerous and so urgent, that it was no longer possible or desirable to conceal the consciousness of danger entertained by the government. "A civil governor here would, during the next six months, have no legitimate business, save that of rendering that subordinate aid to the military authorities, which will be better secured if the entire direction and responsibility be allowed to rest with the commander of the forces." The indications of conspiracy were becoming numerous and undeniable. A formidable organization, bound together by oaths and secret signs, formed itself throughout the French popu-

lation. The loyalists in either province were observed to flock into the towns, or fled altogether from the British dominions. The marauders on the American frontier, who had never desisted entirely from their machinations, were more ostensibly on the alert. On the other hand, in the upper province in particular, the disinclination to take up arms, on the part of the militia and volunteers, became more and more apparent. This, as well as the revival of the insurrectionary projects, Lord Durham seems to attribute, we suspect with little foundation, to the disappointment attendant upon the failure of his mission. The conspiracy had been in train from the very moment of his arrival. The reluctance of the militia to arm seems to have originated principally in their dissatisfaction with the lenity of the government.

Lord Durham quitted the capital of Canada on the 1st of November, as we have already stated. On the night after his departure, numerous arrests took place at Montreal; domiciliary visits were general; guards and piquets were dispersed in all parts of the city, and its approaches occupied. On the 3rd (Sunday), the *habitans* were once more in arms against the British Crown. It seems to have been originally intended that the rising should take place at Montreal, at an hour when the troops would have been in church, and unarmed. The precautions of Sir John Colborne, upon whom the government devolved, at first provisionally, defeated this scheme, and Beauharnois was then selected for the theatre of war.

About two o'clock, p. m., on the 3rd, a party of about 400 attacked the house of Mr. Ellice,

junior, M.P. for St. Andrews, and late private Secretary to Lord Durham. This gentleman, with three others was carried off by the rebels, while Mrs. Ellice was deposited by them in the care of the Curé of Beauharnois.

On the same day, an interesting incident is stated to have occurred at Caughnawaga, an Indian village. Information was brought to the Indians, while at church, that a large body of armed men were secreted in their neighbourhood. Without waiting for the close of the service, they hurried from the church, and seizing what arms came to hand, raised the war-whoop, and fell upon the enemy, who, though superior in number, scarcely made a shew of resistance. Seventy were made prisoners, and after being bound with their own sashes and garters, were conveyed by their captors in boats to Montreal, and lodged in gaol. The chief of the Indian party, on being thanked by Sir John Colborne for his conduct, very characteristically offered to bring in the scalp of every *habitant* in the vicinity, within twenty-four hours. The employment of Indians in military operations awakens old and painful recollections. But Sir George Arthur, who had, on several occasions during the summer, made use of these warriors, describes them as being very different, in habits and circumstances, from the savages who served with our armies during the last century. They form the remnants of tribes, once powerful indeed and fierce, but now domesticated, and having almost abandoned the hunter state, reside in villages, or upon plots of cleared land, which they manage to cultivate. They promptly obeyed the summons of the British

authorities, and were commanded by humane leaders, who enforced the maintenance of the strictest order, and the observance of the rules of civilized warfare, as indeed is sufficiently shown by the anecdote just recorded of them.

Between the 3rd and 6th instant, about 4,000 insurgents were concentrated at Napierville, in La Prairie, under the command, of Dr. Robert Nelson, Dr. Cote, and one Gagnon (who had all three been included among the refugees in Lord Durham's ordinance.) Upon this point, major-general Sir James Macdonnell, who was in command of the guards, and Major-General Clitherow, were directed to move with the corps under their orders. Owing to the badness of the weather and the unfavourable state of the roads, they did not enter Napierville, until the morning of the 10th, when they found that the rebel force had dispersed in the course of the night, and were beyond pursuit.

The insurgents, when they first established themselves at Napierville, had formed a plan for opening a communication with the United States, in the neighbourhood of Odell on the Richelieu. But the force detached for this service fell in, on its march, with a party of loyal volunteers, and was entirely defeated by them and driven across the frontier, leaving eleven dead on the field and seven prisoners; a field piece, and 300 stand of arms were also taken. The same party of volunteers, on the 9th, being apprised of the approach of the enemy, who were in retreat from Napierville, under the command of Nelson, threw themselves into the church of Odell town, and awaited their approach.



The insurgents, who were upwards of 900 strong, made a vigorous attack upon this position, but after an action of two hours and-a-half, were compelled to retire, having lost fifty men killed, and carrying off about as many wounded. The loss of the volunteers, whose number in all did not exceed 200 men, consisted of a captain and five men killed, and a lieutenant and eight wounded.

In the mean time, Mr. Ellice, and his fellow prisoners, had been conveyed to Chateaugay, and seem to have had no reason to complain of the treatment they met with. On the 9th, they were placed in carts, and carried in the direction of Napierville. But their escort, hearing of the evacuation of that place by their friends, abandoned their charge and fled, not however without first pointing out to them the safest route to La Prairie, which they reached on the following morning without molestation. It is satisfactory to find it stated, that although the rebels were known to have had upwards of 100 loyalists in their hands, no instances of cruelty towards their prisoners is recorded.

The loyalist forces now scoured the insurgent districts, and it was found impossible to prevent some of the excesses which must of necessity occur in a system of partisan warfare. The village of Beauharnois was partially burnt, and the houses of disaffected persons at Napierville, and other places, met with a similar fate.

Between 13,000 and 14,000 *habitans* had assembled between the 3rd and the 8th of November, in the Montreal district. A proclamation by Dr. Robert Nelson should be mentioned, as shewing the designs of the insurgents, in

the event of success. After a declaration of independence, and of a republican form of government, it announces, amongst other reforms, the abolition of the feudal or seignorial tenure of land; the intended institution of a registry for mortgages; the abolition of imprisonment of debt; the confiscation of crown and clergy lands, and of those belonging to the "Land Company." The French Canadians, as has been remarked in a former chapter, were generally supposed to be attached to the feudal jurisprudence, and much opposed to a registry. But Lord Durham had already seen reason to question this fact. He found the leaders of the French party anxious to disclaim any hostility to reform in these particulars. The resistance made to them by the Assembly was imputed mainly to the professional prejudices and interest of Mr. Papineau. And there is reason to believe, that a great number of the peasants, who fought at St. Denis and St. Charles, imagined, that the principal result of success would be the abolition of tithes and feudal burthens.

While the war was thus easily suppressed in Lower Canada, the American sympathizers were not idle on their side. On the evening of the 12th, they effected a landing at a place called Prescott, on the St. Lawrence, in Upper Canada, to the number of 500, carrying with them several field-pieces. An arrangement for attacking this banditti was concerted between Captain Sandom, R.N. (who was employed in naval operations on the St. Lawrence), and Colonel Young. The former of these officers, with three armed steamers, moved along the shore,



while the other, at the head of a small body of militia, supported by parties of regulars and marines, advanced against the enemy, who were drawn up to receive him, in number between 300 and 400. After a short but brief combat, the "Sympathizers" gave way. Some threw themselves into a large stone building, and others, to the number of fifty, retired into a circular wind-mill, from which they maintained a galling fire on the British, and compelled them to retire behind the cover of some stone walls in front of their position. In the mean time, Captain Sandom was actively engaged in driving back parties of armed men, who endeavoured, from time to time, to cross the river to the assistance of the besieged; as also in intercepting the escape of fugitives to the American shore. At length, finding himself unable to dislodge the banditti, the British commander drew off the greater part of his force leaving strong piquets to prevent the escape of the enemy, until the arrival of artillery should ensure their reduction. On the 16th, Colonel Dundas arrived at Prescott, with four companies of the 83rd regiment, and two eighteen pounders and a howitzer under the command of Major M'Bean, and took up his position on a rising ground, about 400 yards from that of the enemy. The masonry of the mill was so strong, that the fire of the artillery produced little impression upon it, and day light was wearing away without a breach having been effected. Colonel Dundas, reinforced by a company of the 93rd regiment, now advanced closer to the two buildings. The house was upon this evacuated and the garrison captured in attempt-

ing to escape. The people in the wind-mill very soon afterwards exhibited a white flag, and surrendered unconditionally. Eighty-seven persons were taken in the mill, besides sixteen wounded; three pieces of artillery, and several stand of arms were also captured. This affair cost the British about forty-five killed and wounded of all ranks. 159 of the enemy were taken, and conveyed to Kingston to be tried by court-martial.\*

These lawless bands, who it will be observed from the subjoined note, consisted almost entirely of "citizens" of the United States, continued, during the remainder of the year, a system of desultory menace and aggression on various points of the British territory. On the 4th of December, at day break, about 400 brigands landed near Sandwich, at the western extremity of Upper Canada. After burning a steam-boat ("The Thames") which was lying there, they set fire to the barracks, in which two militia men perished; shot the sentry and an individual who refused to join them, and in the most inhuman manner, murdered Dr. Hume, a military surgeon, who having mistaken them for Provincial militia, approached their ranks, and fell, quite unarmed, into their hands. His corpse was found mutilated and mangled by their knives and axes.

When tidings of these outrages were brought to Sandwich, the militia, under the command of Colonel Prince, lost no time in

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\* Of these prisoners there were 4 Upper Canadians; 8 Lower Canadians; 5 British and Irish; 3 Poles; 5 Germans; 3 French; 131 natives of the United States.

assembling. On their approach, the enemy seems to have fled, without much resistance; twenty-six of their number, however, were slain, and twenty-five captured. The rarity of prisoners, compared with the number of marauders who were put to death, in an affair which seems to have been little more than a mere rout, deserves attention. The British loss was limited to two killed, and as many slightly wounded in the pursuit.

While these events were taking place, Sir John Colborne and his special council were busy in the exercise of their legislative functions. Ordinances were passed for instituting martial law, for suspending the *Habeas Corpus*; for the attainder of persons against whom the sentences of courts martial should be given; for preventing by highly penal provisions the administering of unlawful oaths; and for sundry similar purposes.

Our readers will recollect Lord Glenelg's suggestion to Lord Durham for the institution of a special court, before which "future rebels and murderers" were to be tried. Sir John Colborne very naturally declined to avail himself of his lordship's counsels, and preferred to resort to courts martial for the purpose of disposing of the recent prisoners, "a form of trial which, though unusual, was not unknown, and which, without any abrupt innovation, would provide the only tribunal, which, in the deplorable state of the province, could be relied on." Accordingly, soon after the dispersion of the insurgents, a general court martial was convened, and twelve prisoners were arraigned before it. These persons were all implicated in the recent disturbances in Lower Canada, and were of French ex-

traction and name. Two of them were acquitted, and the remainder condemned to death, with a recommendation to mercy on behalf of six; of the remaining four, two, by name Cardinal and Duquette, were executed. Cardinal was a notary, and had been member of the House of Assembly for the county of Beauharnois. He was a man of intelligence and education, and had long been noted amid the more prominent instigators to revolt. Duquette is stated to have been a tavern keeper, and had held command amongst the rebels in both insurrections. The number of prisoners, that, at this time, were lodged in the gaol of Montreal, on political charges preferred against them, amounted to 753, of whom 164 were discharged at once. "Several of these," writes Sir John Colborne, "appear to have been unjustly arrested; but in the confusion and alarm on the first outbreak, almost every individual who had been concerned in the last revolt was suspected, perhaps with reason, to have promoted the conspiracy which had been so secretly conducted." A commission was appointed to examine the depositions against the persons thus confined, with a view to liberating the less guilty parties.

That unpardonable passage in Lord Durham's proclamation, in which he announced, by reason of the failure of the ordinance, impunity to the persons who had been expressly excepted from the amnesty, has been alluded to. A few days before the last outbreak, two of the proscribed refugees, Rodier and Cartier, returned to Montreal, and petitioned to be permitted to remain. Sir John Colborne acceded to their request, on condition of their giving secu-

city for their future good conduct, and there does not seem to be any reason for believing that they abused his clemency.

The exiles in Bermuda were released on the promulgation of the act of indemnity. Some of them made their appearance on the Canadian frontier. One ventured to enter the province, but was warned to quit it, by order of Sir John Colborne. Wolfred Nelson, Bouchette, and Gauvin, upon their arrival at New York, attended a public meeting, which was assembled for the purpose of promoting the continuance of hostilities against Canada. About a week before Lord Durham's departure, five of the state prisoners, including Theller and Dodge, the principals of the party, effected their escape from the citadel of Quebec. Three were re-taken; but Theller and Dodge eluded their pursuers, and made their way over the border. We should not omit to state, that Sir John Colborne was in due time appointed to discharge the functions, so abruptly abdicated by the late Governor-general of British North America.

Until the actual appearance of the invaders, and even afterwards, the militia and volunteers of Upper Canada seem to have displayed no great alacrity in getting under arms. "They considered," writes Sir George Arthur, "that the threatened calamity would have been averted had more severe punishment been inflicted upon the traitors; and the militia had other grievances, of which they complained." 13,000 militia were proposed to be embodied for eighteen months, and this levy was in progress when the war was revived.

The difficulties attendant upon the disposal of the prisoners were,

of course, increased by the recent events. The Upper Canadians, whether right or wrong, insisted upon a display of severity, and would not endure to hear of mercy being extended to men whom they looked upon as nothing better than robbers and murderers. But with a view to save, if possible, their fellow countrymen, some of the inhabitants of Oswego, in the state of New York, got up a public meeting, "to take into consideration some measures in behalf of the infatuated young men, who had forfeited their lives to public justice by a participation in the late scenes at Prescott, upon the St. Lawrence." At this assembly it was determined to obtain the mediation of Colonel Worth, the commanding officer of the United States' army on that station. "It is not," runs the letter, which communicated to that officer the requests of the meeting—"it is not because the unfortunate men captured at Prescott are, for the most part, American citizens, that our sympathies are awakened for them. We are informed, that many of them are youths under age, who have been beguiled by false representations to embark in an enterprize, the criminal nature of which they did not comprehend, and in the dangers of which their betrayers have not participated. The men who have beguiled them into the commission of an outrage upon the laws of their own country, and instigated them to a lawless invasion of the territory of a friendly power, have themselves stood back from the scene of danger in the moment of trial, or from a distance, in safety have witnessed the sacrifice of the miserable victims of their unscrupulous designs." Colonel Worth accordingly

addressed a letter to Colonel Dundas on the subject. The British commander replied in general terms, in the course of which he remarked, that "after the injuries in person and property that the subjects of her Majesty had suffered from the lawless and savage attacks of these persons, it cannot be otherwise than expected that they should call for a prompt and just administration of the law."

A court martial assembled at Kingston, on the 24th of November, for the trial of some of the prisoners taken at Prescott, and to whom the above correspondence referred. Von Schoultz, a Pole, who commanded the brigands, was the first individual brought up for trial; he was sentenced to be hanged. This man seems to have been nothing worse than a soldier of fortune, and to have become concerned in the recent fray, as in a merely professional matter. He met his death with unpretending fortitude, only complaining of the delusion which had been practised upon him with respect to the nature of the enterprise, and the support he was likely to meet with. The execution of Von Schoultz was followed by that of three of his associates, Abbey, George, and Woodruff. The first of these was second in command to Von Schoultz, the second was paymaster of the brigand force, and the third, a colonel in the United States' militia, had performed a conspicuous part in the late invasion. Not long afterwards five more of the prisoners died on the same scaffold.

Of these last, three had been engaged in the affair near Sandwich. It was the opinion of the Executive Council, that a stricter course of proceeding, and more severe examples were required in the case of these offenders than in that of the men who were taken at Prescott. This invasion to the westward was subsequent to that of Prescott. The criminals had less ground for the allegation, that they were deceived by false representations as to the state of public feeling in the province. The acts of cruelty and violence which marked their appearance—the burning of houses and of the steam-boat "Thames," the murder and mutilation of Dr. Hume, gave an aggravated colour to their conduct, and rendered them fitting objects of the severest retribution. At this time, Sir George Arthur represented the feelings of the loyal portion of the inhabitants of the province as being in the highest degree exasperated. "Never, in fact," says he, "was there a task more difficult than to decide what course, under the existing circumstances of the country, should be pursued, so as to combine the least possible violation of public feeling with a sense of justice, preserving withal a due and necessary regard to mercy in its administration, mercy not only as regards the prisoners, whose fate was yet undecided, but which prospectively has reference to the lives that may hereafter be sacrificed by the adoption of a present injudicious measure."\*

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\* The following summary embraces only persons convicted of treason or political felony, so to speak, in Upper Canada, between 1st of October, 1837, and 1st of November, 1838:—

Number of convicts pardoned on condition of giving security, &c...	140
Ditto sentenced to confinement in Penitentiary.....	14

Among the loyal addresses presented to Sir George Arthur was one, which, as coming from the French Canadians of the Upper Province, he justly thought deserving of particular remark. The Canadians of French origin, who reside in this division of the colony, are not numerous.

Their principal settlements are extended along the banks of the Detroit. Far from sharing in the disaffection, which animated their kindred race in Lower Canada, they rendered active service in repelling the recent invasion of the Western frontier.

Concerning the remainder of the British North American provinces, we have, fortunately, little to record which does not sink into insignificance when compared with the events which are giving so much historical interest to the two Canadas. In the preceding volume it was mentioned that, in the province of New Brunswick, a cession of the Crown revenues ("casual and territorial") had been obtained by the House of Assembly. This measure was forced upon Sir Archibald Campbell, the then lieutenant-governor, and led to his resignation. We are informed by Lord Durham, that the policy of government, in this matter, has put an end to a Parliamentary conflict which, up to that time, incessantly prevailed between the Crown and the Assembly. But a still more important alteration has taken place in

that colony. The administrative power has passed away from the hands of the old official party, and been placed in those of the former opposition. The Assembly, in fact, and the Executive have been brought into unison by assimilating the latter to the former—a policy the reverse of that adopted and insisted upon by Sir Francis Head in Upper Canada, and which certainly involves a serious departure from the hitherto prevailing maxims of our colonial government.

It was observed by David Hume, that the dependencies of a free people have been generally more oppressively governed than those of a despotic monarch. Had that acute observer lived in the present day, it is probable that he would have qualified that remark. But it is, nevertheless, obvious, that a popular state, like the British, is at a serious disadvantage in an endeavour to administer its colonial government on equal, and strictly constitutional principles. The attempt, now so general, to reconcile the constitutional freedom of the provinces with the Imperial predominance of the mother country, is so essentially false in theory, that it must be attended, at no distant period, with the greatest confusion. On the other hand, it is, at the present day, idle to talk of withholding from any community of British subjects the right of self-government and self-taxation for any considerable length of time. The operation of the present sys-

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Number of convicts sentenced to banishment .....	18
Ditto transported to Van Diemen's Land .....	27
Ditto who escaped from Fort Henry .....	12
Ditto who escaped from Cape Diamond .....	1
Ditto tried by court martial .....	1
Ditto escaped from Toronto Hospital .....	1
Ditto sentenced to death .....	3



tem is thus stated by Lord Durham in his "Report" (page 69). "It is not necessary that I should enter into any lengthened account of the nature or working of the form of government established in these provinces, because, in my account of Lower Canada, I have described the general characteristics of the system common to all, and adduced the example of these provinces in illustration of the defects of their common system. In all these provinces, we find representative government coupled with an irresponsible executive; we find the same constant collision between the branches of the government; the same abuse of the powers of the representative bodies, owing to the anomaly of their position, aided by the want of good municipal institutions; and the same constant interference of the imperial administration in matters which should be left wholly to the provincial governments. And, if in these provinces, there is less formidable discontent, and less obstruction to the regular course of government, it is because in them there has been recently a considerable departure from the ordinary course of the colonial system, and a nearer approach to sound constitutional practice. This is remarkably the case in New Brunswick, a province which was, till a short time ago, one of the most constantly harrassed by collisions between the executive and legislative powers." He then proceeds to state that the collision has been brought to a termination in the manner we have just detailed.

The only conceivable course for bringing our colonial dependencies within the legitimate action of the constitution, would be to summon them to send Members to the Im-

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perial Parliament: This is a remedy which to some may seem worse than the evils which demand its application. Nor can it be dissembled, that it would open the door to a multitude of ills, the nature of many of which may be perceived by reference to the inconvenience which is produced by the presence of some of the Irish Members in Parliament—men whose local interests and affections exclusively regulate their course, who act rather as delegates from a province, than as representatives of the common interests of the empire, and who must, to a certain extent, be left to perform their part with a dangerous degree of irresponsibility and indifference on many of the most important questions that can come under the consideration of Parliament: while to their own peculiar department they arrogate an inconvenient consequence, and exhaust the time and the energies of the Legislature upon their reciprocal injuries and animosities. In the same way, it may be apprehended that the members for the colonies would be broken up into detached sections, occupied with little general interest in the concerns of the empire, magnifying, beyond all reason, the importance of their charge, and yet exercising the power, and enjoying the advantage of turning the scale between the two great parties at their pleasure. Considerations like these present, unquestionably, formidable obstacles to any scheme of consolidating the scattered legislatures of the empire. It seems certain, however, that the present system cannot long go on. One considerable obstacle, at least, to the success of such a plan as we have been noticing, has, to a great extent, been

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removed by the speed and certainty of communication attained by steam navigation, so that it is probable that no great inconvenience to any party would now ensue from the delay and difficulties of the transit between Great Britain and her Atlantic colonies.

Upon the appearance of insurrection in the Canadas, all symptoms of disaffection and discontent in the other American colonies were, at least, suspended. Money was voted, troops levied, and loyal addresses framed in every quarter. Early in January, in New Brunswick, both houses concurred in a series of resolutions, thanking Sir Francis Head and the gallant militia of Upper Canada for their conduct in suppressing the insurrection at Toronto unaided by any portion of her Majesty's troops. A bill passed for placing at the disposal of Sir John Harvey, the Lieutenant-governor, a force of 1,200 militia volunteers, with a view to give assistance, if required, to the support of the Royal authority in any part of British North America. In the mean time, at the request of Sir John Colborne, the whole of the Queen's troops in the province were despatched to Canada, and, notwithstanding the inclemency of the season, were marched by an overland route without any interruption or derangement whatever.

Sir John Harvey seems, indeed, to have been on excellent terms with his Parliament, during the entire session. On the 8th of March, they passed a resolution, placing 10,000*l.* at his disposal "to meet any emergency which the public interests of this province, or the welfare of the British colonies may appear to require." Speaking of the conduct of the

Legislature, Sir John Harvey says, "every suggestion and commendation which I have deemed it my duty to make to them, has been received in a spirit of the most evident desire to meet my wishes, and full effect has been given to all the most prominent of these suggestions, such as the salary for a Master of the Rolls, the vote for a lunatic asylum, a sum for the purchase of elementary school-books inculcating sound principles and true loyalty, &c., &c."

On the 9th of March, Sir John closed the session with a speech, in the course of which he congratulated his Parliament on the result of their labours, and on the spirit of cordiality and unanimity which had characterized all their proceedings. "The legislative duties of the session," he continued, "appear to me to have been conducted in the true spirit of that revered constitution, to which the people of this province have on so many occasions shown their zealous attachment."

In Nova Scotia, Lord Durham describes the government as being still in a minority in the House of Assembly; the Assembly moreover, and the Legislative Council, do not entirely harmonize. But the questions which divide parties in that province are of no great magnitude; and all are united and zealous in the great point of maintaining the connexion with great Britain. The majority of the opposition is not only slender but uncertain, and all parties are said to feel the greatest reliance on the good sense and good intentions of the present Lieutenant-Governor, Sir Colin Campbell. The grounds of discontent assumed by the opposition party in the pro-

vince, are stated in the following terms by a Mr. Young, in a letter to Lord Durham, and inserted by him in his Report. "The majority of the House of Assembly is dissatisfied with the composition of the executive and legislative councils, and the preponderance in both of interests which they conceive to be unfavourable to reform. This is the ground, as I take it, of the dissatisfaction which is felt. The respectability and private virtues of the gentlemen who sit at the two council boards are admitted by all; it is of their political and personal predilections that the people complain: they desire reforming and liberal principles to be more fully represented and advocated there, as they are in the Assembly. The majority of the House have also expressed their dissatisfaction, that the Church of England should have been suffered to retain a majority in both councils, notwithstanding the remonstrances of the House, and the precise and explicit directions of the Colonial Secretary. Religious dissensions are happily unknown among us, and the true way to prevent their increase is to avoid conferring an inordinate power on any one sect, however worthy it may be of respect and favour."

Sir Colin Campbell opened his Parliament in this province, on the 25th of January. After commenting upon the events which were passing in the Canadas, he adverted to the provisional establishment of two distinct councils, which had recently taken place in accordance with the suggestion of the legislature of the province. An increase of the revenue forms one subject of congratulatory notice in his speech; while the inefficient state of the militia is stated to be a

matter demanding particular consideration.

The address of the House of Representatives, in reply, referred in a strain of loyalty to the Canadian revolt. With respect to the two councils they remark, "We are disposed to view the provisional establishment of two distinct councils, as evidence of the gracious attention which has been paid to the representations addressed by this Assembly to the Throne, during the last Session; and it shall not be our fault, if this important alteration is not attended with all the advantages by which, when we advised the measure, we expected it would be accompanied." The militia law, they say, was framed upon the conviction, that the old system, while it was burthensome to the country, was productive of no corresponding advantage; but they state their readiness, should circumstances appear to require it, to take all due measures for securing the peace, and strengthening the constitutional defences of the province. In the course of the Session, they passed a resolution, placing at Sir Colin Campbell's disposal 10,000*l.* from the provincial chest, in case of hostilities between the mother country and any foreign power, for the purchase of arms, and for organizing the militia. The proceedings of the Nova Scotian Assembly, while altogether free from exception, do not seem to be animated by quite the same enthusiastic and devoted spirit, that marks the conduct of the neighbouring province. But this is sufficiently explained by the fact, before noticed, that the executive is in a minority in the popular branch of the Legislature.

Nothing has perhaps done more

to retard the prosperity of our British North American provinces, than the system of making large grants of land to individuals, who had no intention to settle upon them. This practice is said to have prevailed to a ruinous extent. One of the most remarkable instances of the evils resulting from these profuse grants of land is to be found in Prince Edward's Island, nearly the whole of which, (about 1,400,000 acres) was alienated in one day by enormous grants, chiefly to absentees, and upon conditions which have never been regarded, and which government still neglects to enforce. The great bulk of the island is possessed by a few absentees, who act as if they considered it as a sort of reversionary interest, at present unproductive, and not requiring attention, but capable of becoming valuable at a future period. In the mean time, the inhabitants are, of course, great sufferers. The absent proprietors neither improve the land themselves, nor permit others to do so. It remains a wilderness, though most advantageously situated for the supply of the surrounding colonies and fisheries, and possessing a soil peculiarly adapted to the production of grain. It enjoys, moreover, from its insular situation a more genial climate than even more southern parts of the adjacent continent. Had its natural advantages been turned to account, it might have been the granary of the British colonies, instead of barely supporting a poor and unenterprising population of 40,000. Of the whole 1,400,000 acres, only 10,000 are said to be unfit for the plough, and only 100,000 are under cultivation.

The present condition of these

western colonies presents a disheartening contrast when viewed in comparison with the United States. Their scanty population exhibits in most portions an aspect of poverty, backwardness, and stagnation. In a great part of Nova Scotia, half the tenements are described as being abandoned and falling into decay. The people of Prince Edward's Island are reported to be in the practice of permitting Americans to take out of their hands all their valuable fisheries, from sheer want of capital. And these provinces, among the longest settled on that continent, and containing nearly 30,000,000 acres, exhibit a population of no more than 365,000 souls, giving but one inhabitant for every eighty acres. In New Brunswick, there is less than one inhabitant for 100 acres of cultivated land. Meanwhile their adventurous neighbours settle on their best lands, and enjoy their fisheries. And this, moreover, they do with British capital, which it is found, may be advanced more profitably to citizens of the United States, than to the unenterprising and inanimate denizens of our own north eastern colonies. But the superiority of the condition of our republican neighbours is not confined to the provinces now under consideration, it is perceivable throughout the whole of our North American territory. Even the ancient city of Montreal will not bear comparison with Buffalo, a creation of yesterday. There is but one railroad in all British North America, and that (between Lake Champlain and the St. Lawrence) only fifteen miles in extent. The people on the frontier are poor and scattered, separated by vast forests, without towns or markets, and

almost destitute of roads, living in mean houses, and without apparent means of improving their condition. "On the American side," writes Lord Durham, "all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousand of farms created out of the waste. The country is intersected by common roads; canals and rail-roads are finished, or in course of formation. The observer is surprised at the number of harbours on the lakes, and the multitude of vessels they contain; while bridges, artificial landing places, and commodious wharfs are formed in all directions, as soon as required. Good houses, mills, inns, warehouses, villages, towns and even great cities, are almost seen to spring out of the desert. Every village has its school-house and place of public worship; every town has many of both, with its township buildings, its book-stores, and probably one or two banks and newspapers; and the cities with their fine churches, their great hotels, their exchanges, court-houses, and municipal halls of stone and marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the world."

In Newfoundland the state of things is far from satisfactory; to the ordinary elements of discord between the colonial Legislature and their rulers, religious dissensions are here unfortunately super-added. A petition was presented to Parliament in December, 1837, by Mr. Hume, from the Roman Catholics of this island, signed by 3,217 persons, and alleging a long series of alleged oppressions, which had been inflicted upon

themselves and their co-religionists. The petitioners complained that they had been deprived of all share in the civil employments of the colony, and that they had been treated with every species of indignity by the judges, and in particular by Chief Justice Boulton. In the course of the autumn of the same year, a deputation of three members of the House of Assembly was despatched to England for the purpose of communicating with government upon various important matters connected with the interests of the colony, and the removal of grievances. The articles, under the latter head, seem to be of the accustomed character, for example, the exorbitance of the public expenditure; official pluralities; the preference of strangers to natives in the appointment of government functionaries; the mal-administration of justice, &c. Mr. Boulton, the judge, of whom the above mentioned petition complains, was an object of especial unpopularity with the Roman Catholics. He came to England, during the year, for the purpose of meeting charges preferred against him by the House of Assembly; and it is said, we know not with what truth, that after his departure, the priests harangued their congregations from the altars, in the Irish fashion, calling upon them to return thanks to God for his removal, and imprecating the vengeance of Heaven upon his head.

The affairs of this island are undoubtedly in a very lamentable condition; so much so, that early in the autumn, a memorial was addressed to the Colonial-office by merchants and others connected with it, in which it was stated, that to such a height had political

dissensions arisen there, that the memorialists were filled with the greatest alarm. They described themselves as being influenced by no political motives in their appeal, since they were of different and adverse opinions. Their urgent request was, that additional troops should be sent out immediately for the more effectual protection of life and property in the island. Threatening however as these dissensions, of which they complain, would seem to be, their exact nature is not very apparent. The House of Assembly, constituted, six or seven years ago, under a charter from the Crown, has evidently very high notions of parliamentary privilege, and not only sent certain parties to prison, with whom it had contrived to become embroiled, but actually went the length of ordering the judge of the Supreme Court and the High Sheriff, by whom the prisoners had been discharged, upon a writ of *Habeas Corpus*, to be taken into custody themselves. These broils are ascribed by the Protestants to Roman Catholic agitation, and to the sinister influence of the clergy of that persuasion. The condition of the island is in this respect said to be rapidly approaching that of Ireland, and in the emphatic language of a Newfoundland journalist, the colony is already "a transatlantic Tipperary."

The character of the inhabitants of Newfoundland is said to be peculiar in this respect, that the mass of the population cannot be termed colonists, as they consist principally of adventurers from the south of Ireland, whom the prospect of a couple of years' employment in the fishery, and its concomitant operations allure to those shores, on their passage to their ulterior destination, the United States. Under the new charter, it seems, that the elective franchise devolved upon men like these. And it is stated, with an appearance of probability, that the dominion of the priests has been the result. The Session of the Legislature was closed, in October, by Captain Prescott, the Lieutenant-governor, with a speech in which he called upon the Assembly to obliterate those unhappy political differences, which had of late years sprung up among them, and which were formerly unknown.

It should be mentioned, that the House of Assembly is said to be for the most part composed of persons of very mean condition, and that a menial servant might be found amongst its members last year. These persons it is stated, take the precaution of voting themselves good salaries in return for their legislative labours.

## CHAPTER XVII.

WEST INDIES. — *Renewal of the Anti-slavery agitation in Great Britain—Charges preferred against JAMAICA in particular—Bill for the Amendment of the Abolition of Slavery Act—Its main provisions—Working of the Apprenticeship system in BARBADOES and DOMINICA—Proceedings of the Legislature of Jamaica—Bill for granting absolute manumission in the ensuing August—Temper of the Assembly—Address to the Queen and protest—State of affairs immediately after the passing of the Act—The Act comes into operation—Conduct of the Negro population on the first of August—Progress of the disputes between the planters and the labourers—Labourers ejected from houses and grounds—Construction of the clause of the Colonial Act giving them a right to three months notice to quit—Effect of the proclamation of the West India Prison Bill in Jamaica—The Assembly declare their resolution to suspend their legislative functions—Their address—Dissolution—Behaviour of the Council—Constituency of Jamaica—New Assembly—Prorogued—Their violent conduct on that occasion—Increase of difficulties with respect to the arrangement of wages—General distrust—Mr. Burge's note to Lord Glenelg—Statement of the views and complaints of the Planters—Sir George Grey's reply—Sir Lionel Smith's vindication of himself—Remarks on Sir Lionel Smith's conduct.—BRITISH GUIANA.—Death of Sir J. C. Smyth, the Governor—Succeeded by Mr. Light—Proposal in the Council of policy for abolishing the apprenticeship—Ordinance passed to that effect—Ordinances for the maintenance of the aged and infirm; for excluding the late apprentices from the militia, and for a general registry, disallowed by the Colonial Office—Lord Glenelg's reasons—Behaviour of the Negroes on the day of their Emancipation—Measure attended with more favourable results than in Jamaica—General rate of wages—Mr. Light's tour through the province—Great demand for labour in Guiana—Consequences of a decrease of continuous labour—Resolutions of the Court of Policy for promoting emigration of Negroes from other West Indian Colonies at the public expense—Hill Coolies from India—Irregularity of the free labourers—Satisfactory report from Mr. Light of the state of the Colony—Good conduct of the Negroes at Christmas—Emancipation general through the other West Indian Colonies—*



*Effects of the measure generally.—ST. LUCIA AND BARBADOES.—Subsidiary enactments to the Emancipation Bills in the various Colonies—Orders in Council for the same purpose—Stipendiary magistrates continued—Repeal of existing laws regarding the militia suggested by Lord Glenelg—Sir W. Colebrook's abortive plan for consolidating the Legislatures of the Leeward Islands.—EAST INDIAN DOMINIONS.—New Penal Code for British India—Dreadful famine—Death of the King of Oude—Disputed succession—Circumstances under which the reigning monarch was called to the throne—Death of the Great Mogul—Retirement of Sir Charles Metcalf from Agra—Revolution in the Burmese Empire—Character of the Usurper—Hostile attitude of the Nepaulese—Expedition to Afghanistan—Quarrel with the Chinese.—NEW SOUTH WALES.—Condition of the various Colonies—Progress of civilization in the Sandwich Islands—Anti-Catholic proclamation of the King.*

**I**N a former chapter (page 87) we have recorded the re-appearance of the anti-slavery agitation in Great Britain; we, at the same time, have furnished an outline of the proceedings in Parliament connected with that subject. The reader need not, therefore, be reminded that the conduct of the West Indian body, or, at least, of such of its members as resided in Jamaica, had become once more unhappily, a theme of public animadversion. Professing no particular admiration of the taste and judgment of those whose activity and zeal in these matters have rendered them conspicuous of late years, we cannot, nevertheless, dissemble our persuasion, that many of the charges recently preferred by them against the Jamaica planters, were not altogether without foundation. The Parliamentary papers on the subject certainly indicate the existence, on their part, of a spirit of contumacious opposition to the fair operation of the apprenticeship system, as manifested in a frequent violation of the new law at the expense of the negro. In some quarters, at least, there seems to have prevailed a regular system of defraud-

ing and harrassing the apprentices, while the stipendiary magistrates, their especial protectors, had become, in several instances, the objects of persevering hostility. No doubt great exaggerations were current concerning the exact nature and amount of these delinquencies, but it would be difficult to rise from a perusal of the voluminous mass of documents, connected with this subject, which have been presented to Parliament, without feeling that they established a strong case of misconduct against many resident proprietors and managers of estates in Jamaica. Great allowance is unquestionably due to many of those persons. The crimes of a system had been visited upon themselves individually, and notwithstanding the grant, so much vaunted, of the twenty millions, they had no great reason to be in good humour with the new order of things, nor were the planters, by habit or temperament, well calculated to endure with a wise patience the childish petulance, and the wayward courses of the half liberated slave, or always competent to restrain themselves within the legal bounds of chastisement, when their anger

was defied by those who, a short time before, had crouched to their absolute dominion.

Such, however, was the state of things in the West Indies that, as we have before mentioned, Government deemed it necessary to introduce a bill for the further protection of the apprenticed labourers, and for "giving full effect to the intent and meaning of the act for the abolition of slavery." The provisions of this supplementary statute regulate the hours of labour, and secure to the Negro apprentice the same allowances to which he was, by custom, entitled during his former state of servitude. They contain important police regulations; empower the respective governors to appoint "official umpires" for the appraisal, where such interference may be necessary, of the value of apprentices seeking to purchase their discharge, and authorize the special magistrates, at all hours, to inspect prisons and hospitals, in which great abuses seem to have prevailed, as well as plantations and mills. The act, moreover, significantly declares that it should no longer be lawful "to place any female apprentice on a treadmill, or in the chain of a penal gang of any parish, or to punish any female apprentice by whipping or beating her person, or by cutting off her hair for any offence by her committed." And further, that it should not be lawful, after the 15th of August, 1838, to punish any apprenticed male labourer by whipping or beating his person for any offence for which any other person of free condition was not liable to the like punishment. In the meantime, no corporal punishment was to be inflicted upon the appren-

tices for offences under the Slavery Abolition Act, except in the presence of a special magistrate. These provisions sufficiently indicate the character of the abuses which they were intended to correct. But, as we have seen, the more zealous advocates of the Negro were not satisfied with merely remedial measures. They demanded instant and unqualified emancipation, declaring that the planters, by a violation of their part of the compact, had released the nation from the obligation of attending to its own. Parliament, indeed, was of a different opinion. But the clamour out of doors was arising to a pitch which the West India interest did not think it prudent to defy. Accordingly, the various colonies adopted, what, under the circumstances, was the only safe course, and manumitted the apprentices in the manner we are about to relate.

The transition system of apprenticeship does not seem to have worked so ill elsewhere, as it did in Jamaica. For example, Sir E. J. M'Gregor, the Governor of Barbadoes, writing in September, 1837, informs Lord Glenelg that the conduct of apprentices had, of late, been every where good; that complaints against them were less frequent; that a better understanding was growing up between them and their employers; that in every district, wages for extra labour had been offered and accepted, and that after an abundant crop, cultivation was in a forward state. Certain abuses are, at the same time, detailed, but of a much less aggravated nature than those with which the Jamaica planters stood charged. At the same time, the disinclination to agricultural labour on the part of the apprentices,

where they could avoid it, was apparent. And it was remarked, that some were found to reject the assistance of their own children in the cultivation even of their gardens; so deeply was a notion of degradation, and of the habits of a servile condition, associated with agriculture in their minds.

The system is described by Governor Light to have succeeded perfectly in Dominica. "I visited most of the estates in the island, and found, in general, the greatest good feeling on both sides. I felt there was little necessity for advocating immediate emancipation. The release of "non prædials would have caused little discontent on the estates. The change in the law, and the new regulations which the wisdom of the British nation had considered necessary in favour of the apprentices, altered the relative position of the employer and the employed; the difficulties, under which the estates would labour, were instantly seen; the council met and decided on immediately facing the new state of things; and the day previous to my departure from Dominica, I transmitted to England the resolution of the two houses of legislature, which declared that, as soon as proper laws for the event should be passed, they would emancipate."

It would even appear that affairs were improving in Jamaica, when the proceedings at home, and particularly the interference of the Imperial Parliament, by the "Slavery Abolition Amendment" and "West India Prisons" Bill, existed an angry spirit throughout the island. It was under these circumstances, that Sir Lionel Smith convened the legislature of Jamaica on the 5th of June. He informed

them, that he had called them together, at that unusual season, to take into consideration the state of the island under the laws of apprenticeship. He needed not, he said, refer them "to the agitation of this subject throughout the British empire, or to the discussions upon it in Parliament, where the honourable efforts of the ministry were barely found sufficient to preserve the original duration of the law, as an obligation of public faith. In this posture of affairs," he continued, "it is my duty to declare my sentiments, and to recommend to you early and equal abolition of apprenticeship for all parties. Should your views be opposed to the policy I recommend, I would entreat you to consider well how impracticable it will be to carry on coercive labour; always difficult, it would in future be in peril of constant comparison with other colonies made free, and with those estates in this island made free by individual proprietors."

The answer of the Assembly was significant of its temper. "Jamaica," they observed, "does, indeed, require repose; and we anxiously hope that, should we determine to remove an unnatural servitude, we shall be left in the exercise of our constitutional privileges to legislate for the benefit of all classes, without any further parliamentary interference." On the 16th of June, however, Sir Lionel Smith had the satisfaction of giving the royal assent to an act for the total abolition of the prædial apprenticeship from the ensuing 1st of August. But it was in no cordial spirit, that the Assembly lent themselves to this measure. It was wrung from them by the necessity of the case, and

they took care to let it appear how little it was in accordance with their own views or wishes. It was in a language of sullen discontent that they addressed the Queen on this occasion.\* “We humbly declare to your Majesty, that in consequence of the act recently passed by the Parliament of

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\* The ill-humour of the Assembly will appear from the following extracts from “the protest of the Assembly of Jamaica.”—“This house does not dread a comparison with the Commons of England in the success of their legislation. Our laws have not been defied, as by the Irish opponents of tithes; murders are not committed in our island by companies of armed men in open day; nor do bands prowl about setting fire to barns and ricks of corn; nor do our labourers and artisans combine, as in Dublin, to raise wages even by maiming and murder. Our courts are never occupied with the obscenities which disgrace England, nor do our husbands and daughters resort to them to expose their own shame for a money price. The horrible trade of Burke, which has given a new word to the English language, was never heard of here; nor have we known an instance of parents putting their families to death to save them from the protracted sufferings of starvation, &c. The House of Commons has been accused before the world, and within its own walls, by a leading member, of perjury. The accuser has not been punished, nor the charge refuted. The House of Commons has also been charged with corruption in the progress through the house of private bills.” “There cannot be two legislatures in the same state. If the British parliament is to make laws for Jamaica, it must exercise its prerogative without a partner. The freeholders of Jamaica will not send representatives to a mock assembly. The popular branch of the legislature will cease to exist; and if taxes are demanded, they must be levied at the point of the sword.” It is almost incredible, that so ridiculous a composition should have emanated from a deliberative body, yet it is assuredly genuine.

the United Kingdom of Great Britain and Ireland, wherein we are no ways represented, we have been constrained to abandon the remaining term of the apprenticeship, and to pass an act conferring on the apprentices unqualified freedom on the 1st of August of the present year. But while we thus abandon the apprenticeship, we do not abandon the right to demand indemnity for the sacrifice of property thus forced upon us. We therefore pray an adequate reduction may be made in those onerous duties so long imposed upon our produce. We pray, that the manufacture or refining of foreign slave sugar in Great Britain be prohibited.”\*

The following is the cheering, but we fear somewhat delusive, picture of what ensued, immediately upon the promulgation of the act as drawn by Sir Lionel, and transmitted to Lord Glenelg. “There has hardly been time to hear generally of the effects of the act on the labouring population, except that they are universally quiet and happy, and the sugar crop, nearly at its close, is getting on as usual. Proprietors are every where engaged in making bargains for work; the plans are various; some proposing houses and grounds for two days labour in the week, and some for five days labour on wages, they paying rent for grounds and houses. The price of wages is also variously proposed; but it is satisfactory to know, that the labourers are extremely cautious, and are not likely to be imposed upon. The country is deriving infinite benefit from the in-

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\* The imperial act alluded to here is the Slavery Abolition Amendment Act. See ante, page 96.

fluence of the missionaries, not only in impressing the negroes with moral obligations, but also in their protecting advice to secure to them the just remuneration of their labours." It will presently be seen how unsubstantial all these prospects were.

The important 1st of August at length arrived, and the negro population of Jamaica came into the full enjoyment of their freedom. The day was observed by proclamation as one of thanksgiving and prayer. "It is impossible," writes Sir Lionel Smith, "for me to do justice to the good order, decorum, and gratitude which the whole of the labouring population manifested upon this happy occasion. Not even the irregularity of a drunken individual occurred. Though joy beamed on every countenance, it was throughout the island tempered with solemn thankfulness to God; and the churches and chapels were everywhere filled with these happy people, in humble offering of praise for the great blessing he has conferred upon them."\* Still, however, there was wanting an appearance of a general disposition on the part of the negroes to return to plantation work on such wages as the planters chose to offer them. But, in the meantime, they continued quiet and orderly; and the only ap-

proach to a disturbance that occurred originated in some unfounded reports among them of violence offered to a baptist minister. On two such occasions, large multitudes of blacks assembled, armed with cutlasses and sticks, for the purpose of defending or avenging a favourite pastor; but no serious mischief ensued.

Sir Lionel Smith, writing on the 10th of September, states, that the labourers had no where refused to work when encouraged by fair offers of wages, while their orderly conduct and obedience to the laws had been most extraordinary, considering their treatment under the recent operation of the apprentice law. Not a single act of violence towards any of their former masters had come to his knowledge, nor any instance of a capital offence. Meanwhile, according to the same authority, the planters were by no means scrupulous in their devices for procuring cheap labour. It was provided by the colonial act, which abolished apprenticeship, that if any person, then an apprenticed labourer, having received three months' notice to quit any land or dwelling which he had been permitted to occupy by his employer, should refuse to comply, he should be deemed a trespasser, and might, upon the joint warrant of two justices, be summarily ejected. The Crown lawyers of Jamaica were of opinion, that under this clause of the act the negroes were liable to the payment of rent during the three months thus allowed them. Notices were accordingly very gene-

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\* The Bishop of Jamaica, in a letter to Lord Glenelg, bears similar testimony to the conduct of the negroes on this occasion. He adds, "I had long known the objects of this benevolent measure as the most patient, enduring, and 'long suffering' upon earth, and 'not easily provoked,' but it was not until the actual promulgation of this great and glorious measure of justice and mercy, that I was fully enabled to appreciate their advance in Christian

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principles. The quiet manner in which the whole has passed off has added much to the general effect, and made a deep impression on men's minds.



rally served upon them to quit, and heavy rents demanded in the meantime, as a means of inducing the labourers to accept low wages. Nor, as it should seem, was ejection from their holdings the only evil to which the negro was thereby exposed. For the vagrant laws of Jamaica, framed with a view to an ancient order of things in Charles the Second's time, were of the most arbitrary and severe description, and armed the planters with a formidable engine of oppression, if they were disposed to employ it, against the dispossessed labourers. However, the Attorney and Solicitor-general of England took a different view of the case from the colonial Attorney-general, and reported it as their opinion, that, until the expiration of the three months notice to quit, no rent could be demanded, because, during that period, the negroes occupied the premises by authority of law, and not by voluntary permission of the proprietors.

Two months had not elapsed from the 1st of August, before we find Sir Lionel Smith's despatches beginning to lose their cheerful and encouraging tone. The practice of demanding exorbitant rents, in the manner just alluded to, created "the most unfortunate state of excitement throughout the island, and interrupted and retarded many agreements for labour." Still, there was a very general desire among the peasantry to work for fair wages, and where they were well treated, they are stated to have laboured diligently. At this time, (24th September), Sir Lionel considered, that experience had established two most important facts — first, that the negroes were willing and even eager to work for fair remunera-

tion ; and, secondly, that so far from their resorting to the woods, to squat in idleness (as had been predicted), they submitted to the most galling oppression, rather than be driven from their homes. "Notwithstanding," he writes, "many fraudulent attempts to coerce cheap labour, and heavily as the working classes feel their oppressions, their conduct has been patient and submissive beyond all praise ; and I am under no uneasiness for the peace of the island, though I am powerless to remedy the cruel wrongs imposed upon them."

But new troubles were in store. The act which in the course of the Session passed the Imperial Parliament, for regulating the prisons in the West-Indies, [see ante, page 96,] was no sooner proclaimed in Jamaica, than it aroused a violent storm of indignation. The Legislature assembled on the 30th of October : and the Assembly, whose concurrence the Government had either thought it needless or impossible to obtain, and to whose members the public proclamation of the new law had been the first announcement of its existence, proceeded to business, in a spirit which evinced great exasperation. The first step of the Assembly was to adopt a string of resolutions, declaring, that the act in question was a violation of their rights as British subjects, and had not, and ought not to have, the force of law ; and announcing their determination to desist from the exercise of all legislative functions, except such as might be necessary, for the maintenance of the public credit. These resolutions were passed by a majority of 24 to 5.

Upon this, Sir Lionel Smith prorogued the Assembly, for a few



days, in order to give them an opportunity of reconsidering their decision. On the 8th, the Legislature reassembled, when the following address was voted to the Governor by a majority of 21 to 3. "We feel, in common with your Excellency, the emergency in which the country may be placed by the expiration of the annual laws, and we are also aware of the necessity, which, in our present state of society, exists, that laws for the prevention of vagrancy, for regulating the relative rights and duties of masters and servants, for determining the qualification of electors, for the regulation of the militia, and for preventing the unauthorised occupation of land, should be enacted; but we are keenly alive to the fact, that our Legislative rights have been violated, and so long as these rights continue to be invaded, we feel ourselves compelled to adhere to our resolutions of last session."

The Governor, having no other resource, at once dissolved this inflammable and angry assemblage. The other branch of the Legislature sided, as usual, with the Executive throughout these differences; and the language of its addresses, was uniformly most obsequious.

The course pursued by the late Assembly, left the island in a state of great confusion, from the absence of the annual laws, on which the public creditor depended, and which were necessary to put in motion the various departments of the public service. "No House of Assembly;" says the Governor, "can now be found, that will acknowledge the authority of Queen, Lords, and Commons, to enact laws for Jamaica, or that will be likely to pass just and prudent

laws for a large portion of the negro population lately brought into freedom. Thus, a constituency, which may be computed at about 1,500 or 1,600 voters for the whole island, have returned, and will continue to return the same members who deny the authority of the mother country, while upwards of 300,000 of her Majesty's free and loyal subjects are totally unrepresented;\* and my appeal to obtain for them common laws of protection has been totally disregarded."

A new Assembly was, nevertheless, convened and met on the 18th of December. But its proceedings too well justified Sir Lionel's anticipations. In their address, they informed him, though, perhaps, with a greater appearance of courtesy, than had been used by their predecessors, that they felt themselves "compelled to adhere to the determination come to by the late House of Assembly, the result of their own mature determination, corroborated by the full and cordial sanction of the constituency of the island." A prorogation of course ensued, but not unaccompanied by what Sir Lionel calls an "unpleasant circumstance;" for it seems, that the proper officer, having proceeded to the Assembly for the purpose of summoning the Members to attend the Governor in the Council chamber, encountered so much resistance, that he was unable to reach the bar, and when he had with difficulty delivered himself of his message, on account of the tumult, was actually forced out of the

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\* The constituency was subsequently computed by Sir Lionel Smith at about 2,000.

house, the doors being closed and locked behind him. Considerable time having elapsed, but without the required attendance of the Assembly, the provost-marshal was again despatched to summon this contumacious body, but knocked at their doors to no purpose. However, on a third attempt, the doors were opened to him, and he was permitted to deliver his message at the bar in the usual form.

Sir Lionel Smith, lost no time in carrying into effect "the Prison Regulations' Bill." A series of rules was framed for the purpose of placing upon a better footing the various places of confinement, throughout the colony, the general state of the prisons, being, according to his Excellency's statement, such as would be disgraceful to any country.

It was not, of course, to be supposed, that these unfortunate proceedings, would have any effect but that of aggravating the differences between the negro labourers and the proprietors. As soon as the three months' term, during which the former were by law entitled to hold over their old locations, had expired, forcible ejectments to a great extent, are said to have been resorted to against such as had failed to enter into an arrangement with their former masters. Great distress was, of course, the consequence of these proceedings, followed by a serious spirit of discontent amongst the sufferers.

Sir Lionel Smith complains that laws were wanting to protect the fair rights alike of masters and servants. Agreements were constantly broken with impunity by one party or the other, and the general distrust was thereby considerably augmented.

The preceding details have been exclusively taken from Sir Lionel Smith's official despatches. The planters, of course, adopt a different view of many of the matters in question; but Sir Lionel ought to be an impartial witness, and his testimony is almost universally corroborated by that of the stipendiary magistrates. The information afforded by private sources, and through the medium of the public prints, is inconsistent and conflicting; and it would be impossible to arrive at any safe conclusion from the evidence which it affords. The sentiments of the proprietors may, perhaps, be collected from a communication addressed to Lord Glenelg by Mr. Burge, the agent for Jamaica, dated the 23rd of October.

Speaking of "the Committee of Correspondence of Jamaica," Mr. Burge observes in his letter, that "the committee were prepared to find that the first or second week of freedom would be spent in enjoyment, and that the negro would, in the first ebullition, abandon himself to idleness; but they certainly anticipated that, after that period, he would return to his accustomed labour. The committee express their confidence that such would have been the happy result, if the negro, instead of being tampered with, had been allowed to enter freely and voluntarily into his own arrangements with his employer. On the 6th of August, in some parishes, there was a disposition to labour for the proffered terms, and it was hoped this example would have been gradually and generally followed; but, in this expectation, the committee regret to say, they have been grievously disappointed. Those who went to their work

were intimidated by others; and the committee assert that, at the time of their communication to me, so few were giving continuous labour, as scarcely to form an exception to the assertion that, at that time, (the end of August) field cultivation was almost entirely suspended.

"The Assembly deemed it inexpedient to entertain any measure fixing a rate of wages by legislative enactment, assured that the wisest and most liberal course would be, to leave them to find their own level. Common consent, reference being had to the market price for the staples of the island, fixed it at about 5s. clear to the able-bodied labourer, for a week's work of five days of nine hours each. This rate of wages has been designated as unfair, by certain Baptist preachers, and some of the late special magistrates, who have been retained as Queen's stipendiary magistrates. These persons have succeeded in persuading the negro to abstain from working, unless his employer gave him wages of such an amount, as to render it quite impossible that the latter can carry on the cultivation of his estate."

Sir George Grey, in his reply to Mr. Burge's note, observes that Lord Glenelg, judging from the communications of the Governor, and from the evidence which accompanied them, felt himself compelled to attribute the continued existence of the evils complained of to other causes than those to which it was ascribed by the committee—causes, the removal of which was within the reach of the proprietors rather than of the Government; and he added, that his lordship saw no reason to doubt that, if the negroes were generally

dealt with in a fair and liberal spirit, there would be no disinclination, on their part, to give labour for adequate remuneration.

To the charges contained in Mr. Burge's communication, Sir Lionel Smith replied that, if it was the fact, that the Baptist ministers had interfered improperly between the negro and his employer, he had no power to prevent it, but he did not believe it to be the case. "Over the stipendiary magistrates," continued he, "I have powerful control; and if it was proved to me that any of them had forgotten his oath, had been unjust, or used his authority prejudicially to the planters, I should instantly have removed such a magistrate, pending your Lordship's pleasure." The stipendiary magistrates solemnly denied the charge; they had heard him disavow all authority to interfere with wages, and he could not believe that they would act in opposition to the rules established for their guidance. "But," proceeds Sir Lionel, "I will tell your Lordship on what the agents of this country have founded their complaints against the Baptists and the stipendiaries. Previous to the 1st of August, there were meetings of planters in several of the parishes, to fix wages. This was, no doubt, watched with suspicion. Were the poor negroes to have no friends to advise them against a combination which was to grind them down to gratuitous labour with their old masters? This was the sin of the minister and the stipendiary magistrate. They were found to be the friends of the negro when the object was to impose upon him. There was the same senseless clamour against me, for advising the poor women not to perform

heavy field labour (cane-hole digging.) My answer is, that the first step to improve the civilization of the West Indies is, to raise the condition of the women. I preferred the dictates of humanity to the interests of the short-sighted planters."

It was hardly to be expected that, in their present temper, the great body of Jamaica proprietors should acquiesce in the views or policy of Sir Lionel Smith. In our last volume, this officer is described as giving great satisfaction; but the fate of his predecessors has been his, and his unpopularity with the planters and commercial interest of the island, was now unquestionable. They charged him with acting in the spirit of a decided partisan, and with lending, on all occasions, a credulous ear to the false and highly-coloured statements of the stipendiary magistrates. It was asserted, too, nor is there any appearance to the contrary in the printed documents, that while he was in the practice of transmitting to the Colonial Office all the statements he received from these functionaries, he took care not to accompany his *ex parte* communications by any of the numerous representations of an opposite tenour which had been delivered to him from other quarters. But if Sir Lionel does, as we must admit seems to be the fact, very decidedly side with the negroes against their employers, it should be recollected that, according to his statement of the case, he is but throwing his weight into the lighter scale, vindicating the weak against the strong, and supplying by his own influence the want of those laws which are demanded by the altered relations between capi-

tal and labour in this distracted island.

Whether or not these considerations may be thought to justify the bias discernible in Sir Lionel Smith's communications in favour of the negro, and against the planter, we must repeat that it is upon the despatches which passed between Lord Glenelg and this officer, that we have relied, as the most authentic source of information upon the question. If the above summary of the case be deemed to present a partial and distorted view of these unfortunate proceedings, the blame must rest with those who have given an official sanction to the views of partisans and prejudiced judges. The general nature of the allegations on the other side will have appeared from the tenour of Mr. Burge's letter to the Colonial Office. They go to charge the negroes with extortion and unsteadiness of conduct, and the stipendiary magistrates with utter unfitness for their duties, and an unreserved subserviency to the Government; the Baptist ministers, again, are said to pillage the poor people whom they excite to insubordination; and the Governor is accused of countenancing these religionists in their malpractices, both personally, and through the instrumentality of his alleged creatures, the stipendiary magistrates.

The posture of affairs in Jamaica is, at all events, entitled to very serious consideration. There is great reason to fear that the existing disinclination to work, though temporary in its original character, will, when fostered by inactive habits, become deeply rooted, while the bitter feelings

which are becoming inveterate between the two races, must inevitably lead to results fatal to the least numerous, if not to both.

Turning to another important colony, British Guiana, a better state of things opens upon us. In a despatch of the 1st of November, 1837, we find Lord Glenelg expressing to Sir J. C. Smyth, the late Governor, his "strongest conviction that, even during the comparatively short period which had hitherto elapsed, since the operation of the new law, benefits of no ordinary character, and fully equal to any reasonable anticipations, had been realized in the colony under his government."

Sir J. C. Smyth died, after a short illness, on the 4th of March. Upon his decease, the administration of the colony devolved upon Colonel Bunbury, until the arrival of Mr. Light, the new Governor. On the 20th of June, a motion was made in the Court of Policy, (the legislative Assembly of the colony), for the abolition of the apprenticeship on the ensuing 1st of August. Governor Light arrived while this important question was under discussion.

For the thirteen months previous, he had presided over the island of Dominica, and his experience there had taught him to look upon the experiment of immediate emancipation with little apprehension. On the 12th of July, an ordinance was accordingly passed for the termination of the apprenticeship on the 1st of the following month, throughout the colony of British Guiana, not, however, without encountering considerable opposition in its progress through the various stages of discussion. The act for emancipation was followed by other ordi-

nances, making provision for the due maintenance and support of aged and infirm prædial labourers—r excluding all who, at the time of the passing of the act, were apprenticed, from the militia—and for establishing registries which should distinguish such persons as were apprenticed labourers at the abovementioned time from all other persons. The two last of these enactments were disallowed by the Home Government, upon the following grounds. To that which disqualified the late apprentices from serving in the militia, Lord Glenelg objected that it amounted to "an unequivocal departure from the great principle of abolishing all legal distinctions founded on the servile condition in which one class of society was formerly held." Service in the militia, though onerous, was yet the avenue to distinctions highly prized in all colonial societies. On the other hand, the proposed scheme of registration met with his Lordship's disapproval, because although it might be useful as elucidating a statistical fact of no inconsiderable importance, it proposed to accomplish that object by perpetuating an invidious distinction which ought to be for ever abolished, and recollections which should, as far as possible, be destroyed.

Few of those difficulties in ascertaining a fair rate of wages which, we have seen, prevailed to such a serious extent in Jamaica, seem to have occurred in Guiana. Governor Light writing to Lord Glenelg, so early as the 21st of July, says in reference to certain petitions presented against the measure, "I believe most firmly, that the object of the petitioners

was to found a claim for compensation. I believe, I shall be able to give your Lordship a statement respecting the petitioners from Berbice, which will prove how little they had reason for objecting to emancipation; and there is little doubt but the opponents of the measure are perfectly reconciled to it; there may be some difficulty in arranging the price of labour, but it is so much the interest of all parties to come to an adjustment, that this will soon be settled." The Legislature of the colony, in the mean time, were proceeding in making provisions for the approaching event, by providing an efficient police force, and by passing acts for the prevention of vagrancy, and for the better adjusting and recovery of wages. The two last of these ordinances were however repealed by orders in council, which had been framed for the same purpose, but upon a sounder principle. The demeanour of the emancipated negroes on the 1st of August, corresponded with that of their fellows in Jamaica. That day was universally spent in thanksgiving and prayer, and not one instance of disorderly or offensive conduct could be adduced to throw a slur on the character of the new race of free-men.

The Governor immediately afterwards commenced a tour through his provinces, and took frequent occasion to address large bodies of the negroes, who were collected to meet him in the various districts. From the moment of Mr. Light's intention in this respect became generally known, the negroes seem to have come to a common determination not to work, till they had received his visit. He accordingly made great exertions

to complete his progress with all possible despatch; and in the course of seven days, he describes himself as having addressed upwards of 25,000 people located on 113 estates, "on an average of speech during six or seven hours a day." Nor had he reason to consider his labour thrown away. There might have been, at first, some slackness of work, yet the disposition to labour was soon resumed, and it was only amongst those, whom he had yet to visit, that, in the expectation of that event, a refusal to labour existed. On the 13th of August, he writes thus, "The least sanguine of the proprietors anticipate little bad final result; and I have made it generally known to those, that the free labourers of Antigua had not all resumed their work for three months after emancipation. The difficulty of settling a rate of wages is almost arranged; money was so easily gained for extra work by the apprentice labourers, that they cannot readily comprehend why a comparatively small rate of wages has been offered to them in their free condition, forgetting that they have the same opportunity as before, for obtaining extra prices for extra work." The common rate agreed upon, he describes as eight dollars, or nine with certain extra work, a house, plot of ground, medical attendance, tools, and the other accustomed indulgences and allowances; with extra pay for extra work; a commonly industrious man might thus, it is stated, obtain eleven or twelve dollars monthly, out of which he had to find food; but that his own provision ground was capable of amply furnishing. Nothing could be more gratifying than the whole course of Mr. Light's progress



through Guiana. Wherever he came, the negroes, he says, flocked around him, listened to his admonitions, believed his representations, and returned, almost universally, to their customary labour. Occasionally he met with strange errors amongst these simple people. On one or two estates, the negroes had taken possession of the land, believing it to be now their own; but, the governor states, that he found no difficulty in undeceiving them. One plantation (Bleyen-dale) certainly deserves honourable mention. The negroes upon these grounds celebrated their Emancipation by an invitation to the officers of the garrison and other functionaries to dine with them; it was accepted; the table was spread with every luxury and the choicest wines circulated amongst the guests. The greatest part of the expense was borne by the labourers; toasts were given by the "Head-men," accompanied by speeches in which good sense and propriety predominated. The commanding officer of the garrison was present at this banquet, and expressed himself to be much struck by the decorum, and even good breeding of the hosts.

On the 6th of September, Mr. Light writes, "From all I can learn, there is little reason now to fear any continued cessation from labour. On some few estates, west of Essequibo, local causes have excited discontent, the same causes have produced the same effects in parts of Demerara. Wherever tact and moderation have been shown by managers and masters, there has been a fair share of work performed. The settlement of wages on the 1st of September has opened the eyes of the idlers, and convinced them that the

lazy cannot receive in equal portion with the industrious. The stipendiary magistrates in general speak favourably of the progressive state of industry: a disposition to remain on the estates, where the labourers are located, is general; the quiet disposition of the new freemen may be appreciated, by learning that there has scarcely been a commitment by a justice of the peace, during the whole month of August. The intelligent, unprejudiced men of property in the colony, have no fear for the future."

In a despatch of the 1st of September, which is replete with valuable information on the general character and cultivation of the colony, Mr. Light remarks, that its "future prospects depend on the regular habits of industry of the great bulk of the population. What it would lose by irregular cultivation, may be judged by the mere effect of the absence of the labourer from work in the county of Berbice alone, 1,500 hogsheads of sugar in arrear in three weeks, at the lowest rate, 30,000*l.* sterling. Yet, were Berbice possessed of a population double its present amount, regularly employed in the staple commodities, it is capable of production equal to that of the Leeward and Windward Islands united." We are tempted to subjoin the following picture which Mr. Light has drawn of the peculiar features of this colony." The only break in the prospect of sugar cane and cotton, marsh, canals, trenches and bush, are the cabbage tree, cocoa nut, and silk cotton, the lofty chimnies of the boiling houses, and pressure engines; the extensive ranges of buildings attached to the plantations, and the

numerous sluice gates and bridges, which prevent the inundations on the one hand, and secure the traveller a passage over trenches at every hundred yards he moves."

While Mr. Light, on the one hand, felt assured of the ulterior success of the colony under ordinary circumstances, he does not disguise from himself the grounds of apprehension which exist of a probable diminution in the amount of continuous labours necessary to prevent at least a decrease in the amount of production. Even the industrious labourer might be expected to cease from work, as relaxation or whim urged him. Many of the women too would, in all probability, confine themselves to in-door occupations. The old people also could no longer be relied on as before, while allowance must of course be made for the number of idle and worthless individuals, who, in every community, prefer any occupation to labour, and are contented with a precarious subsistence procured without toil or self-denial. The produce of the colony in sugar, was in 1838 about 60,000 hogsheads, which, on an average, supposed as many acres to be in cultivation. It appears, that the capital invested in an acre of canes is 80*l.* sterling; if, therefore, 10,000 acres were to be thrown out of cultivation, a destruction of capital equal to 800,000*l.* would ensue. Against any such contingency, the best remedy was obviously to encourage an influx of population. But in Mr. Light's opinion, none but the negro race can be looked to for field labour. In order, therefore, to secure a supply of this, he suggested the interference of government, to whose hands the matter might be

more advantageously consigned, than were it left to be managed by individuals. Accordingly the Court of Policy, on the 21st of September, adopted a series of resolutions, which, after setting forth the lack of agricultural labourers, authorise the Governor to appoint emigration agents, in those quarters of the West Indies, where a surplus population appears to exist, and to give them a premium of 10*s.* a-head for every effective field labourer of good character whom they may engage; the passage money for such emigrants to be defrayed at the public cost. The labourers thus imported were to be bound by no indenture, were free to choose and change their employers; a month's notice on either side being alone required to break the contract. Wages, allowances, and indulgences to be the same as accorded to the existing labourers in the colony. In conformity with these regulations, the Governor advertised without delay for agents at the Bahamas and Barbadoes, who would be appointed, subject to the approval of the local government. Care being taken in the instructions to these agents, to provide against the fraudulent or clandestine removal of labourers, by requiring before embarkation passports and certificates to the effect, that all formalities prescribed by law had been complied with. Lord Glenelg, on being made acquainted with these measures, signified his approbation of the general design, subject to certain modifications and restrictions.

No reference seems made in the official correspondence connected with this subject to the "Hill Coolies," whose projected importation to Guiana, had in the course of the

Session, as will be recollected, aroused Lord Brougham's vigilant suspicions. From an account of this project given in a publication devoted to Asiatic intelligence,\* we learn, that the tribe selected for this service are, in the East, known by the name of Hill Dhangars, or Coolies, of the Ramghur and Khole districts; that they bear an indifferent character in India, being not unfrequently engaged in pillage and murder, with no regular occupation or fixed abode, but ready to take service any where; the more desperate as soldiers or *dacoits*, the more orderly as porters or agricultural labourers. From this, it would appear, that they are by no means "the mild and patient Hindoos," which speakers in Parliament represented them to be.

Mr. Light's despatches, during the remainder of the year, contain a repetition of statements as satisfactory and creditable to all parties as those to which reference has been already made. At the same time, he admits the existence of an inconvenient irregularity in the supply of field labour. The planter could not be certain of the same number of hands in the field for two days together, and, even when at work, the Negroes would occasionally, as was natural, abruptly throw up their employment to follow their own inclinations. But, on the whole, the planters seemed to have behaved with eminent good sense and temper. In the mean time, as in the other colonies, the most contradictory reports concerning the operation of the emancipation bill were in cir-

ulation. Mr. Light says he at length began to understand the cause of all this. "There are here," says he, "the Bulls and Bears" of the Stock Exchange; the sellers and the buyers, with others, as report says, who wish to support their credit by exaggerated accounts of the success of their estates." "Wherever I ride," he proceeds to say, "at the close of the year, I see the chimnies of the boiling houses smoking; if there are estates under average work, it may be ascribed to local causes. Merchants could not prosper were industry failing; they would not risk expensive buildings in the districts, in which to establish stores on a scale equal to those of George Town, (almost unknown during slavery and apprenticeship) did they not augur well for the colony. I have to report most favourably of the peaceable and orderly conduct of the whole labouring population. This could not exist if there were not a corresponding kind treatment on their locations. The redress of acts of oppression is so certain, and the labourers themselves have such a full knowledge of their own rights, that, whatever disposition there might be to oppress, the means are wanting. The step taken by her Majesty's Government to place the jurisdiction in the hands of the stipendiary magistrates has given full security to the labourer, and will, in the end, be universally, as it is now only partially satisfactory to the employer." As the Christmas holidays approached, a time often not free from excess on the part of the Negro population of old, the merchants and shop-keepers could scarcely sell their goods and luxuries fast enough to the labour-

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\* Asiatic Magazine, May, 1838, vol. 26.

ing classes, who flocked into the capital to prepare for this period of rejoicing. Christmas-day passed off without any disturbance whatever. Only two "police casualties" were returned to the governor, on the 24th, and none at all on the following day, in a population of nearly 18,000.

The emancipation of the apprentices, meanwhile, had been universal throughout the other West India colonies, and the effect of this great measure seems to have been, on the whole, satisfactory up to the close of the year. Generally speaking, there were indications of a disposition to good behaviour on the part of the Negroes. At the same time, it was very natural that, at first, they should repel every appearance of constraint as an invasion of their new privileges. Their notion of liberty would be to do what they pleased, to work or to be idle, to go or stay, as caprice or convenience might dictate. The supply of continuous labour, therefore, must, of necessity, be precarious in the first stages of Negro freedom. Slight disturbances seem to have occurred at St. Lucia and Barbadoes. But, in the absence of official sources of information, it is difficult to extract from conflicting statements, varying with the interests or the prepossessions of individuals, and often the results of a narrow experience, the data necessary to arrive at historical truth. We have seen in the instance of Jamaica, that even the testimony of the governor, accredited as it is by the Colonial Office, is impugned as being warped by a spirit of partiality, and by no means conveying a just representation of the real state of things.

The laws which were passed in

the different colonies for abridging the term of prædial apprenticeship were accompanied by others directed to meet the new exigencies of society that so abrupt a change must be expected to occasion. The greater number of these subsidiary enactments met with only a partial approval at the Colonial Office. Their provisions, however salutary in the main, were thought to be mixed up with regulations of an injudicious and objectionable character. Lord Glenelg, therefore, lost no time in framing certain orders in council, which were to come at once into operation in the Crown colonies, and which were, at the same time, transmitted to the legislative colonies, to serve as patterns for the guidance of the local governments. The first of these that appeared, related to the mutual rights and duties of masters and servants; to the prevention and punishment of vagrancy, and to the regulation of marriage amongst the Negro population. At the same time, laws concerning police and the maintenance of the infirm and aged were announced as being under consideration. With respect to the latter, it appears that the new Irish poor-law, with certain variations, was to be the model.

The stipendiary magistracy was originally established for the sole purpose of securing an impartial administration of the apprenticeship code, and was intended to cease with the termination of that provisional system. But recent experience had shown the importance of placing the ordinary administration of justice in matters affecting the relation of masters and servants, in the hands of a magistracy not locally connected, and directly responsible, to the

executive government. Accordingly Lord Glenelg intimated his design of creating a permanent establishment for the purpose, and, in the mean time, retained the magistrates then serving in the West Indies on their existing footing. Great difficulties presented themselves with respect to the militia. We have already mentioned Lord Glenelg's determination not to sanction the exclusion of any class of inhabitants from this force, on account of their colour or former servile condition, as contrary to the whole policy of government, and tending to perpetuate a distinction which it was most desirable to obliterate without delay. On the other hand, it was more than doubtful, whether, in the present early stage of the new condition of society, it would be safe to compose the militia by ballot indiscriminately from the whole population. Moreover, as the chief motive which, during the existence of slavery, demanded the maintenance of this force as a check upon the black population was thought to have passed away, a repeal or suspension of the existing militia laws formed one of the recommendations of Lord Glenelg to the local legislatures.

We should mention an attempt made, at the close of 1837, by Sir William Colebrook, the Governor, to form a sort of legislative union of the Leeward Islands. Under the authority, as he alleged, of two colonial acts passed respectively in 1694 and 1705, and, with the sanction of Lord Glenelg, he issued a proclamation enjoining the freeholders of the several islands under his government to meet together, for the purpose of electing "five able and discreet men, being freeholders in their respective

islands, to be their representatives, and to join him and the general council in the Court House, in the town of St. John's, in the Island of Antigua, on the 15th of February, then and there to make, enact, and ordain, such general laws and ordinances as might be proper and convenient for the Leeward Carribbee Islands." But a determined resistance was offered to this novel project by the Council and Assembly of Antigua, who had no wish to see their interests merged in those of the other islands; or to lose the benefits of a system, under which the affairs of the colony seem to have been wisely administered; and, accordingly, the plan was never carried into effect.

**EAST-INDIES.** — The circumstance most deserving of commemoration in the history of our Indian empire for the year, is the appearance of a new criminal code. It will be remembered, that within the last three or four years, a law commission, over which Mr. Macaulay presided, was appointed for the purpose of revising and consolidating the Anglo-Indian system of jurisprudence. The body of penal law of which we are now speaking, made its appearance in the Autumn of 1837, and its merits are of course the subject of conflicting opinions.

The commissioners state in their preliminary report, that the system of penal law, which they propose, is not a digest of any existing system, and that no existing system has furnished them with even a groundwork. Admitting the value of that sanction, which long prescription, and national feeling give to institutions, they remark, that none of the systems of penal law established in British



India has any claim to our attention, except what it may derive from its own intrinsic excellence. All those systems are foreign; all were introduced by conquerors differing in race, language, manners, and religion, from the great mass of the people. The systems of penal law differ materially from each other, And the commissioners could not detect in any one of the three, even the rudiments of a good code. The penal law of Bengal and of the Madras presidency, is, in fact, Mahomedan law, which has gradually been distorted to such an extent, as to deprive it of all title to the religious veneration of the Mahomedans, while it retains enough of its original peculiarities to perplex and encumber the administration of justice. The criminal law of the Bombay presidency has, over that of the others, no superiority except that of being digested. "Under these circumstances," say the commissioners, "we have not thought it desirable to take as the groundwork of the code, any of the systems of law, in force in any part of India. We have, indeed, to the best of our ability, compared the code with all those systems and we have taken suggestions from all, but we have not adopted a single provision merely because it formed a part of those systems. We have also compared our work with the most celebrated systems of western jurisprudence, as far as the very scanty means of information, which were accessible to us in this country, enabled us to do so. We have derived much valuable assistance from the French code, and from the decisions of the French courts of justice on questions touching the construction of that code. We have derived assistance still more

valuable from the code of Louisiana prepared by the late Mr. Livingston."

One peculiarity in this code is the use of illustrations. Every definition of a particular offence is followed by a series of examples for the purpose of explaining the law thereby laid down. In the language of the commissioners, these illustrations "exhibit the law in full action, and shew what its effects will be on the events of common life. Thus the code will be at once a statute book and a collection of decided cases."\*

Considered as an attempt to apply to an Oriental system of jurisprudence, European views and principles, this code should excite considerable interest; its intrinsic value is yet to be determined.

At the close of 1837, and during the earlier part of the ensuing year, a dreadful famine spread itself through the various parts of the British territories, especially in the upper provinces. The details given of the sufferings of the lower classes among the natives are very painful. The Cawnpore Relief Society, published a statement

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\* We select the following example as characteristic of the substance as well as the form of this effort of Anglo-Asiatic jurisprudence. "Whoever with the intention of causing any person to lose caste, commits an assault which causes that person to lose caste, or induces that person to do ignorantly anything, whereby that person incur loss of caste, shall be punished with imprisonment, of either description for a term which may extend to six months, or fine, which may extend to 100 rupees, or both.

"ILLUSTRATION.

"A, with the intention of causing Z, a Brahmin, to lose caste, mixes beef-broth with Z's food; Z swallows it in ignorance, and thereby loses caste. A has committed the offence defined in this clause."



which declared, that the number of deaths from exposure and starvation which had come under the cognizance of the society, in five months, at that station only, was upwards of 1,200. At Agra, such was the intolerable effluvia arising from the surrounding corpses, that the English inhabitants were compelled to forego their evening excursions in the suburbs. The scarcity of grain was occasioned by a drought. Meanwhile, a train of frightful maladies such as cholera and small pox, the offspring of famine, ravaged the country.

The attention of the Company's Government was much occupied during the year 1837 by the affairs of the tributary kingdom of Oude. The reigning monarch, Naseer-ood-deem-Hyder, a weak and dissolute prince, had been long in declining health, and his demise, which was evidently approaching, would raise a question of disputed succession.

He had, indeed, two sons, but their legitimacy was disputed by the British Government, and the King himself seems, subsequently, to have rejected them as spurious.

The exclusion of the two illegitimate children of the King having thus been resolved upon, two competitors presented themselves for the expected vacancy. The eldest surviving brother of the King, and the son of a yet elder deceased brother. According to the English law of succession, the latter, of course, would have been preferred, but it was contended, that by the Mahomedan law, the surviving uncle must take before the nephew. And as the Government at Calcutta were of this opinion, the Nawaub, Nusseer-ood-Dowlah, the third son of the late King's father, was

announced as heir presumptive to the *Musnud* of Lucknow.

Against this determination, Ekbal-ood-Doulah, the second son of Shums-ood-Dowlah, the deceased elder brother of Naseer-ood-Dowlah, strenuously protested. But his own claim was open to a similar exception to that which he offered to his uncle's. For his elder brother, Nazim, had died, leaving four sons and three daughters.

His representations, whether on his own, or his nephew's, behalf, were alike unsuccessful; and baffled in India, he eventually proceeded to England in the hopes of there creating an interest in his favour, and here we believe he still resides.

The King died on the night of the 8th of July, 1837. The fact was no sooner ascertained by Colonel Low, the British resident at the court of Lucknow, than he rapidly issued orders for marching all the disposable troops in the neighbouring cantonment upon that capital, despatching, at the same time, Lieutenant Shakespeare, his second assistant in the residency, to the abode of Nusseer-ood-Dowlah. Mr. Shakespeare presented himself at the Nawaub's doors at about an hour after midnight. That Prince was hurried from his couch to receive the imperious intruder, and was saluted monarch of Oude. But, at the same time, the English officer presented for his signature, a paper in the Persian language, which Colonel Low had prepared in readiness for this juncture, and which contained the following extraordinary passage. "I hereby declare, that, in the event of my being placed upon the throne, I will agree to sign any new treaty,

that the Governor-general may dictate." The Nawaub took no exception to the terms of this obligation, and unhesitatingly affixed his seal to the paper. It is not surprising, that the Governor-general felt it to be incumbent on himself to record his protest against the unbecoming and rude precipitation which characterized this proceeding; "I should have been undoubtedly better pleased," is the language of his minute of the 11th of July, "if Colonel Low had not, at this moment of exigency, accepted the unconditional engagement of submissiveness which the new king has signed."

But while the hardly-awakened and helpless old man was placing the seal to the instrument in which he recorded his abject vassalage to the British Government, a fierce conflict was raging round the late King's palace. The Padshah-Begum or Queen mother boldly proclaimed Moonajan Feridoon, the only survivor of the two natural sons of the late King, as his father's successor. The people ran to arms, and the British troops poured into the city. A desperate though unequal combat, ensued and it was with considerable loss of life, that the insurrection was suppressed. The young pretender, together with his grandmother, the Queen, fell into the hands of the British; and after being for some days detained in the Presidency, he was conducted as a prisoner of state into the interior of the British dominions. The people of Lucknow soon acquiesced in the new order of things, and after the obsequies of the late king had been solemnized, the capital resumed its habitual tranquillity.

The new monarch is described by his rival, Ecbal-ood-Dowlah,

as being nearly 80 years of age, in a state of perfect dotage, and with a blindness of 20 years' duration. Colonel Low, however, gives a different account of this puppet sovereign. "His Majesty is, I regret to say, suffering much from rheumatism in his limbs, from which cause he is unable to walk without assistance, but his mental faculties appear to me unimpaired. His manners are very unaffected, and his conversation that of a man of sense and good feeling; he is personally attending to business every day, is diminishing a great variety of useless expenses, and has issued orders for the payment, within two months, of what is due of all arrears to the troops and establishments. His Majesty begged me to present his respectful compliments to the Governor-general, and professed his firm determination to follow the advice of the British Government in all state affairs."

Upon the accession of Nusseer, Lord Auckland observed, in a minute of the 11th of July, that it would become now matter of consideration, in what manner some modification of the existing treaty might be framed, under which the Government might have more power to prevent or remedy mal-administration, and might also, by withdrawing from its practice of exercising "a complete and minute interference, by means of its own troops, in defence of the Oude Government, be less liable to responsibility for all its acts, and for the ordinary course of its internal policy." The late treaty, he proceeds to say, had been too constantly disregarded by the sovereigns of Oude, in their continued and embarrassing neglect of our counsels, not to justify us,

if it should seem expedient, in insisting upon placing our right of acquitting ourselves of responsibility, upon a clear and admitted basis.

The death of the representative of the Mogul dynasty, the nominal sovereign of India, the fifteenth in descent from the great Baber, deserves to be recorded in our annals. Akbar II. ascended the throne in 1805, and was 81 years of age at his decease. His authority, as is well known, had long passed away, and he existed as a mere pensioner of the English Government.

A vacancy in the office of Governor of the new presidency of Agra was occasioned by the return of Sir Charles Metcalfe to England. It was, however, determined that the Government of Agra should, in future, be administered by a Lieutenant-governor, in direct subordination to the Governor-general in council.

In the last volume, mention was made of a revolution which had recently occurred in the Burmese Empire, an event which now seems likely to menace the repose of the north-eastern provinces of the British dominions. The circumstances, which accompanied the deposition of the late King of Ava, appear to be briefly as follow.

That monarch is said to have been for some time incapable, through mental derangement, of managing the affairs of his empire. The government, in consequence, devolved upon his Queen, who is described as a bigoted, vindictive, and haughty woman, and greatly under the influence of her brother, whose character was similar to her own. The King's brother, Tharawaddee, the heir presumptive to the throne, a man at that time the

idol of the people, prudent, and esteemed friendly to the English, seeing the hopeless state of his brother, and not unreasonably apprehensive lest his own interests, as successor to the crown, should suffer from the uncontrolled ascendancy of the Queen and her brother, suddenly levied arms, mastered the King's person, and made proclamation that his brother had abdicated in his favour. Accordingly, the deposed monarch, accompanied by his four wives, was paraded through the streets of the capital, a spectacle reminding one of our own, Richard II, and was then consigned to obscurity, an example of clemency rarely afforded in Asiatic revolutions.

Tharawaddee's temper and character, however, seem to have altered with his fortunes. He no sooner assumed the reins of power, than he abandoned himself to the indulgence of a cruel and vindictive disposition, which soon taught the Burmese that there had been little gained by the change of masters. To the British in India he exhibited a decided aversion. In supercilious and insulting language, he gave our Resident to understand that he would not tolerate an English spy in his dominions; and his conduct became such as to render a renewal of hostilities with Ava no improbable event.

A similar manifestation of readiness for a rupture has, of late, been discernible amongst the Nepaulese, who are seated on our north-east frontier. These, it is known, are a warlike and hardy race, formidable in themselves, and who, should they act in conjunction with the Burmese, may afford us serious embarrassment. On the other side, the alleged in-

trigues of Russia, the aggressions of Persia, and the wavering politics of the Afghanistan princes, have determined the Indian Government to direct a large army upon Cabool, with a view to place our interests in that important quarter upon a firm footing by force of arms. But an account of our relations with the various powers who flank our north-western frontier will more conveniently form a portion of the following volume, and serve as preface to our history of the military operations which are now in progress in Afghanistan.

The state of our relations with China have become again very unsettled. A serious misunderstanding has arisen, in consequence of the determination of the Chinese authorities to put down the contraband importation of opium, which our traders, in defiance of the Chinese law, persist in introducing. "You foreigners," says the Chinese Admiral Chin, in his proclamation, "giving no heed to the laws of Heaven's dynasty, are every day furtively rambling about; you never let us rest a moment from your visits. We would like to ask you, if our Chinese ships were to take a commodity prohibited in your country, and go on forcing it into consumption, if you would bear it patiently or not?"

NEW SOUTH WALES.—Early in the year, Sir George Gipps, the successor of Sir Richard Bourke, in the government of this colony, arrived at Sydney, which seems to be the only event of public importance that its annals for this year present to our notice.

The colony of Swan River is said to be making very slow progress; the entire population does not exceed 1,500 persons, although

the settlement has been upwards of nine years in existence. Its commerce is very limited; and during the last six months of 1837, only one small brig from London and a vessel from Sydney arrived at this port. The other Australasian colonies appear to flourish. Sir John Franklin, the governor of Van Diemen's Land, in the speech with which he opened the legislative session, observes, that the island had, within a period of thirty-four years, approached the condition of the mother country both with respect to the state of its society, and the comforts enjoyed by its inhabitants, while it yielded an annual revenue, by indirect taxation, of nearly 100,000*l.* The following scheme of church endowment was laid before the council by his excellency, in conformity with the directions of Lord Glenelg. 1st. That the three leading denominations in New South Wales should, as regards their ministers, be admitted as special subjects of endowment from the public revenue in the colony. 2nd. That all denominations of Christians should receive aid in the building of churches and ministers' dwellings, upon the principle, that the amount of private contribution should be not only the condition, but the measure of public aid. 3rd. That such ministers of the three denominations as might be appointed by the government should receive respectively a salary of 250*l.* a year, of which 100*l.* was to be contributed by the congregation through the medium of the Treasury. This was subsequently cut down to 200*l.* The claim of the Bishop of Australia to spiritual jurisdiction over the new colony of South Australia has not been acquiesced in by the people of that

settlement, who contend, that by their charter they are not subject to the laws, orders, statutes, or constitutions of any other part of Australia.

It is not without interest, that we learn, that a newspaper has been actually established in the Sandwich Islands. The first number of this print contains the following letter from the king to the editor, in a translation which professes to be literal:—"I assent to the letter which you sent me. It affords me pleasure to see the works of other lands and things that are new; if I was there, I should very much desire to see. I have said to Kinau, make printing presses. My thought is ended. Love to you and Reynolds. By King Kauikeauli." The same journal furnishes some curious particulars of the state and progress of these islands. Honolulu, the capital of Otaheite, contains about 6,000 souls. From the 1st of July to the 14th of December, 1836, there were 154 arrivals at the port, of which eighty were brigs and schooners belonging to the country, fifty-six from the United States, and seventeen from England. An idea may be formed from the advertisements in the "Gazette" of the Sandwich Islands of the state of civilization to which the natives have arrived. Madeira, sherry, Bourdeaux, and Champagne wines, Jamaica rum, ladies' shoes from Paris, ices, *eau de Cologne*, pianos, sofas, silks,

ribands, playing cards, muskets, and saddlery, are among the articles announced for sale.

A school was building on a large scale for instructing and supporting the children of the poor. A benevolent society, for the succour of poor and sick seamen, was in existence. New brick houses were in formation; and such are the altered habits of the inhabitants, that only one instance of theft had been known to occur in the town during six months. Moreover, a treaty of commerce was concluded in November, 1837, between the king and Lord F. Russell of H. M. S. *Acteon*, which secures to British subjects the right to establish themselves in the Sandwich Islands, to build houses, and import all sorts of merchandize, and to quit the island at pleasure; and it is provided that, in case of death, their effects shall be delivered up to their executors or heirs, or in default of such, to the consul. A singular document appeared in the *Times* newspaper of the 25th of September, purporting to be "an ordinance of the king of the Sandwich Islands, for rejecting the Catholic religion." It forbids any one to teach "the peculiarities of the pope's religion," or "its ceremonies to be exhibited" in the kingdom, "for that it is not proper that two religions should be found in this small kingdom." All vessels are, moreover, prohibited from bringing any teacher of that religion into his Majesty's dominions.

## CHAPTER XVIII.

FRANCE.—*Observations on French politics—Maxim that the King “reigns but does not govern”—Remarks on the late Chamber—The Result of the Elections—Electioneering tactics: success of the Left centre—French parties—Opening of the Session—King’s Speech—Dupin re-elected President—Committee on the Address—Debate on the Address in the Peers—Spirited reply of the Duke of Orleans to the Duke de Deux Brezé—Clauses respecting Poland, Spain, and Africa—Chamber of deputies—Budget—Debate on the Address—Domestic policy—Elections—Alleged interference of Government therein—Fracas between M. Sivry and the Prefect of Morbihan—Poland—Spain—M. Hébert’s amendment—Conversion of five per cents—Address voted—State of parties—Committees—Debate on costume for Deputies—Madame Lippona’s annuity—Madame Damrémont’s pension—Committee on the Budget—Election of M. Laffitte for the sixth Arrondissement of Paris—Sub-Committee of Supplies—Negro Emancipation—Petition against desecration of the Pantheon—Supplementary grants for African army—Debate on secret service money—Committee of Finance—State of parties—Public dinner to M. Laffitte.*

THE searching influence of French politics upon the general system of Europe, invests them with an importance, which considered in a less extensive point of view, they would probably be found to want at the present time. For, however broad and bold the speculations of their political writers, and however comprehensive and startling the results which from time to time, and at long intervals, they accomplish, the intermediate chain of events cannot but strike

one as being for the most part insignificant. This is particularly the case as regards the more prominent subjects of public discussion, which, year by year, figure before the Chambers and the press. A superficial reader of the French debates might readily suppose, that phrases, rather than things, were the business of the former, and subtle disquisitions on the theory of government, and the distribution of power, the sole province of the latter. This pecu-



liarity will be found exemplified in the Session, whose proceedings we are about to record. But, in truth, it would be no less a mistake to infer from this, that the mind of the French people is absorbed by political trifling, than to confound the counters on a gaming-table with the stakes themselves. Nearly all the questions, which come under discussion, are to be looked upon as to a great extent symbolical of something, not the less understood that it is withheld from exhibition to the public gaze; and it may happen, that an affair, in appearance puerile and almost absurd, involves indirectly some point of the greatest constitutional moment. Thus, while the entire Chamber, is refining about the exact meaning of a phrase, or adjusting the pretensions of two rival synonyms, it is perhaps determining the fate of a ministry; and a debate about a suit of uniform, may, in like manner, involve a covert attack on the influence of the Crown.

It becomes daily more and more doubtful, how far a parliamentary government, after the English fashion, is adapted to the genius of the French people; and in the event, it will probably be found necessary to abandon it for a simpler form. Our constitution has flowed insensibly from the national character, of which it may be said to be the express image. It could never have arrived at its present maturity and vigour, among a people less patient of anomaly, less indifferent to systems, and less concerned about the question of causes, where the results are practically convenient. And, perhaps, even we ourselves are getting more logical than is consistent with its permanency. But the

French are our opposite in all the respects just mentioned. Their logic is too acute and sensitive to endure the slightest irregularity in a system, or to concede to a theory any thing short of its legitimate, its scientific developement. Every cause with them must have its due effect; every principle must admit of being pushed to its extreme limit. Hence the problem, on the solution of which, seems to depend the government of July,—“The king reigns, but does not govern.” A constitutional fiction, which may serve to give a general idea of the limited action of the Crown in the English system, which is only held together by the avoidance of extremes, and where the various powers of the State run one into the other, and form eccentric and often contradictory relations, which can afford no safe analogy to other communities, and which are denoted by a set of conventional maxims, only applicable to themselves. The adage in question is one of them. Apply it in its full and literal acceptation to any given state of things, and it amounts to little short of an absurdity, reducing the monarch to the condition of a mere pageant, or of a machine for signing ordinances. In time, no doubt it may acquire a definite meaning, that is, whenever long practice shall have determined the point beyond which, generally speaking, it has not been found convenient to extend the active interference of the Crown. But it cannot assist in that determination. As a rule it is of no value. It is a result, not a principle.

Louis Philippe, however, whose talents for government are certainly not inferior to those of any of the

numerous ministers who have been called to his council, resolutely claims that predominance in his own cabinet, which he is so well qualified to exercise, but which the constitution, as understood in France, has denied. If the Parliamentary leaders concede too little, it is probable that he demands too much, relinquishing little to his council, but the legal responsibility of his acts, and obtaining in each cabinet, either by treaty or by address, a personal ascendancy which the principal men in France seem resolved to brook no longer. This amongst other inconveniences has brought the monarch into personal competition with his subjects. The two political rivals in France at the present moment, are said to be the king and M. Thiers.

In our last volume, we have recorded the dissolution of the Chamber which had sat since 1834. That assembly left behind it a character for instability and caprice. Subservient, without fidelity; independent but not

disinterested; it had furnished majorities to a series of administrations; but it afforded a steady support to none. Broken, as it was, into petty factions and pervaded by egotism, which is the bane of the country, it could never be known beforehand what turn an important debate might take; what under-current of personal interest might determine the votes of the majority, or even what effect might not be produced by a pointed phrase, or by a specious and subtle logic. The successive ministerial revolutions, which it witnessed, themselves the result of personal intrigue, rather than of public causes, had still further shaken its always imperfect organization; and it was dissolved by M. Molé, because he found it impossible to carry on the government with such a crazy machine.

Its successor contained 150 new members. The subjoined analysis which appeared in the *Temps* newspaper as soon as the returns were ascertained, may give an idea of the distribution of parties that filled its benches.

Number of Deputies.		Political Denomination.	Deputies.		
1834	1837		Re-elected.	New	Not Elected.
19	19	Puritans and Radicals .....	12	7	7
62	56	Constitutional Opposition ....	36	20	26
114	142	Left Centre .....	102	40	12
163	163	Ministerial .....	110	53	53
83	64	Right Centre and Doctrinaires	44	20	39
18	15	Legitimatisists .....	9	6	9
459	459		313	146	146

The *Courier Français* gave a somewhat different classification, according to which, the Opposition numbered 103; the left centre 102; Ministerial centre 160; Doctrinaires 46; Legitimatsists 22; unknown 13; elections undecided 3; double elections 10; total 459.

During and preparatory to the elections, the Republican party, of all the others, is said to have displayed the greatest activity and address. They succeeded, in the absence of M. Odilon Barrot, who was travelling, to effect a negotiation with the "Constitutional opposition," who had originally determined to keep aloof from them; and who, with that view, had framed an election committee, from which had emanated, by way of test, a declaration in favour of monarchy. However, through the management, as it is said, of M. Laffitte, this last party was induced to ally itself, for the occasion, with the Republicans; and a joint committee was accordingly formed. M. Odilon Barrot, on his return, refused to become a party to their proceedings. The section, however, which gained most by the elections was the *Tiers parti* or left centre. The candidates of this party seemed to have been generally successful, although they are said to have exerted themselves less than any of the others.

The left extremity of the amphitheatre, in which the deputies of France hold their sittings, is occupied by the party which, under the name of the puritan or radical opposition, represents the democratic interest of the country. This section, which, at the beginning of the new parliament, was composed of about nineteen mem-

bers, is headed by M. Garnier Pagés, a young and austere republican. The constitutional or dynastic opposition, in number fifty-six, fill the next compartment of the semi-circle. Their leader is M. Odilon Barrot, and their most accomplished orator, M. Mauguin. Next in order is the left centre, or *Tiers parti*, the most popular, perhaps, in France, who, in their attachment to the monarchy of July, profess not to lose sight of its origin; and while they repudiate, as anarchical, the doctrines of the left, resist as unconstitutional the personal activity which the reigning monarch is accustomed to carry into the administration of affairs. M. Dupin, M. Thiers, and M. Passy, are the organs and the chiefs of this body, whose maxims are so congenial to the bourgeoisie of the country, that France herself has been described by an eminent speaker as "left centre." The centre of the Chamber contains the ministerial phalanx. On the benches of the right centre may be seen the small, but select, band of doctrinaires, disciples, as well as partisans of their accomplished leader, M. Guizot. The right extremity is appropriated to the scanty ranks of the legitimatsists, few in number, but by no means contemptible; for, apparently, their counsels are sage and moderate; and M. Berryer, perhaps the most eloquent man in France, is their parliamentary leader.

On the 18th of December, 1837, the King, accompanied by his family, proceeded to meet his new parliament. As usual, no precaution was omitted to insure his personal safety; and it was rumoured that the Government had received intelligence of a strange and extra-

vagant plot, being nothing less than a project to spring a mine under the quays, over which the royal procession would have to pass.

The King, who was received by the two Chambers upon his entrance with lively applause, when the acclamations had subsided, addressed the assemblage in the following speech:—

*“ Gentlemen of the Chambers of Peers and Deputies—*

*“ France is free and tranquil. Her prosperity rapidly increases; her institutions are daily gaining strength, and she trusts more and more in their stability.*

*“ The restored empire of the laws has permitted me to follow the impulse of my heart. A great act, the recollection of which will ever be dear to me—the amnesty—has proved the strength of my Government. It has calmed the minds, weakened the influence of bad passions, and discouraged each day, more and more, those who indulged in projects of disorder.*

*“ I was anxious for the convocation of the electoral colleges. My confidence in the country has not been deceived. I shall experience from you that frank support which my Government has received during seven years from the Chambers, in order to secure to France the blessings of order and peace.*

*“ I have to congratulate myself on my relations with all the foreign Powers, and never did general peace appear to me more assured.*

*“ Civil war, nevertheless, is still desolating the Peninsula. The Queen Regent supports with courage and perseverance the rights of her august daughter, Queen Isabel II. I continue to*

*execute faithfully the stipulations of the treaty of the quadruple alliance, and I hope that a cause which has all our sympathies will ultimately succeed.*

*“ The marriage of the eldest of my sons has fulfilled my wishes. The recollection of this event, a source of so much happiness for my family, will always be inseparable from that of the marks of affection from which France, the Chambers, and the inhabitants of this capital bestowed on a young princess, who became one of my children.*

*“ My second daughter, Princess Marie, has since contracted an alliance which will increase our relations of friendship with neighbouring states.*

*“ In Africa our expectations have been fulfilled. The French flag waves on the walls of Constantine. If victory has sometimes done more for the power of France, it has never raised to a higher pitch the glory and honour of its arms. My son, the Duke de Nemours, took the part which belonged to him in the danger. His young brother had wished to join him, and to share that community of labour and danger which for a long time identifies my sons with the army. Their blood belongs to France, like that of all her children,*

*“ In addressing to Heaven thanksgiving for protection afforded to our arms, I have to deplore with you the loss of so many brave men killed in the field of honour. The country surrounds their biers with its regrets and its gratitude. It has ratified in advance all which I had ordered to satisfy the public sorrow, and to discharge her debt towards its heroic supporters. A project of*

law will be presented to you to give to the widow and children of the brave General Damremont a testimonial of national gratitude. I have promoted to the first dignity of the army the old warrior who has succeeded him, and who, to use his own language, has never in his long career seen anything which our young soldiers have not now equalled.

“ In the east of Algiers, as in the west, I desired peace, but the obstinacy of the Bey who commanded at Constantine obliged us once more to prove to the natives of our African possessions, that they must renounce resistance to us. In the west, a convention has been concluded, of which the conditions are faithfully executed, and the results of which are already happy.

“ A complete description of our situation in Africa will be presented to you, and I shall have to ask of you the means of providing for the wants of our establishments.

“ Everywhere our squadrons give to our commercial relations the support and protection which they have a right to expect. Envoys have sailed from our ports to smooth the difficulties so long opposed to the execution of the engagements made by Hayti with France. At the same time, a naval force is going to the coast of Mexico to secure for the French who trade in the interior of that country, the justice and safety which are due to them.

“ I have concluded with the Bolivians a treaty of commerce, and I hope that we shall in succession establish with all the states of South America connexions of which our commerce will feel the happy effects.

“ The situation of our finances continues prosperous, and the public revenue has increased since last session.

“ The projects of law announced by the 69th article of the Charter will be again presented to you.

“ For a long time our penitentiary system called for all the attention of my Government. You will have to examine the project of law for its improvement. Another project of law will have for its object the reform of our legislation with respect to commercial companies.

“ Already considerable funds have been voted for public works. It remains with you to complete our great lines of communication, and to create new ones, in order to facilitate the conveyance of the continually increasing products of our agriculture and our industry. Collective views on this vast subject will be presented to you, as well as detailed plans of several important undertakings.

“ Never have I found myself surrounded by the Chambers under more favourable circumstances. Let us learn, gentlemen, to preserve by our union and our wisdom, what we have acquired by our courage and our patriotism. Let us endeavour to efface the painful recollections of all our dissensions, and let there not remain any other trace of the agitations from which we have suffered so much, except a deeper feeling of the necessity of preventing their return. Let us persist in the regular and peaceable system to which we owe the increase of wealth and prosperity, which France now enjoys.

“ This is the dearest wish of my heart. My life is consecrated to the maintenance of all the securi-

ties of our peace and our liberties, and it is to accomplish this great work that I claim your concurrence."

After the preliminary business of verifying the returns of the members was brought to a close, the Chamber of Deputies proceeded to appoint its officers. M. Dupin was re-elected President by a very large majority. Seven candidates were put forward for the offices of Vice-president. M. M. Calmon, Cunin-Gridaine, M. Passy, and General Jacqueminot, were chosen. M. Odilon Barrot, who was an unsuccessful candidate, received 142 votes out of 366. This was one of the first indications of that coalition between the Left centre and the Left or dynastic opposition, which was subsequently to place in peril the institutions of July. The next step in the prefatory proceedings of the Chamber of Deputies, after the election of their sessional officers, is the nomination of the committee to prepare the address. The members of it are elected by the nine standing committees of the House; of the nine members chosen on this occasion, three, M.M. Passy, Etienne, and Bernard (de Rennes) were decidedly attached to the Left centre, and obtained a large majority of votes in their respective committees over M.M. Dumon, Bignon, and Duvergier de Hauranne, their *doctrinaire* competitors. One, M. Dufaure, was a member of the Left, while four ministerialists, Boissy D'Anglas, Berigny, Jacqueminot, and St. Marc Girardin, with M. de Belleyme, who was supposed to lean towards the *doctrinaire* section, and M. Dupin, who, as President of the Chamber, was *ex officio* a

member of the committee, formed the remaining portion of this body. M. St. Marc Girardin, (one of the editors of the *Journal des Debats*) was then elected reporter of the committee, and the duty of preparing the draft of the address devolved upon him accordingly. A circumstance which was considered as significant of the preponderance of ministerial influence in the committee.

The discussion in the Chamber of Peers upon their address, which was an echo of the royal speech, was opened on the 3rd of January by the Duke de Deux Brezé, who reproduced his customary vituperations of England, and his strictures on the impolicy of the Quadruple Alliance. According to M. de Deux Brezé, England was interested in the prolongation of the civil war which was ravaging Spain, for it strengthened her influence with the Spanish government, who, deserted by France, threw themselves into the arms of a power which afforded them such cordial and such effectual resistance. Already adopting measures for securing the future possession of several important posts, such as Passages, Guetaria, St. Sebastian, and Puyo, Great Britain was on the point of securing a permanent footing in the Spanish territory, from whence she might alike menace France, Italy, and Austria, and, at the same time, open a wide market for her produce. Nor did the diplomatic relations of France with the other Powers of Europe afford the Duke a ground of more favourable comment. He could see nothing but gloomy prospects on all sides; and, to crown all, he detected a tendency on the part of Government to afford an undue patron-



age to the Protestant religion, though the Catholic was the creed of 30,000,000 Frenchmen.

M. Molé rose to reply to the charges which the last speaker had preferred against ministers. He began by assuring the Chamber that, at no former period, was the alliance of France and England more intimate than at present; that the language and conduct of the agents of the two countries at Madrid and Lisbon were identical; and that the good faith of England was unquestionable. With respect to the occupation of Passages by the British troops, M. Molé remarked, that it had been offered to France in the first instance, and that the fortifications so much talked of consisted of nothing beyond a temporary earthen fort thrown up to cover the British Legion in garrison there. The object of Great Britain in occupying Passages was to possess a place of shelter and security for her naval force employed on those coasts. In reply to some allegations which appear to have been thrown out by the preceding speaker, concerning an undue commercial preponderance conceded to Great Britain in South America, M. Molé declared that the trade of the two countries was upon an equal footing in respect to privileges, and that the British commerce in that part of the world was exposed to similar inconveniences with the French. As to the alleged Protestant tendency of the Government, M. Molé denied the charge, and affirmed himself to be as good a Catholic as his accuser.

M. de Deux Brezé's intemperate remarks upon this last mentioned subject appear to have been aimed at the Duke of Orleans, who, it may be remembered, was

married in the preceding year to a Protestant Princess, the Duchess Helena, of Mecklenburgh Schwerin. Accordingly, his Royal Highness, seeing M. de Deux Brezé on the point of interrupting M. Molé, with a view to explanation, himself rose, and observed that he was under the necessity of taking notice of these insinuations. For his own part, he proceeded to say, he was born, and meant to die, in the Catholic faith; Catholics, too, all his children would be. But he thought it not too much to claim for the Royal Family the benefit of that toleration which was accorded to the lowest of French citizens. This spirited sally of the Crown Prince was received with great cheering, after which M. Molé resumed his address. In the course of a general vindication of the policy of his administration, he remarked that the credit of the amnesty was due to the king and not to himself. That measure was most opportune, and had been attended by the most salutary consequences.

The House then proceeded to consider the several clauses of the address. The second, which was thought to imply approbation of the system in which the "laws of September" have their origin, was opposed by M.M. Villemain and Cousin. The fourth paragraph, which referred to foreign policy, gave rise to an animated discussion, which was finally adjourned to the following day, when an amendment to the fourth paragraph of the address was moved by the Count d'Harcourt, expressive of the sympathy of the Chamber with the woes of Poland. M. Molé was opposed to the insertion of such a clause. No one,

he said, sympathized more than himself with the Poles, but he did not think that a declaration, such as that proposed by M. d'Harcourt could be productive of any useful result. The French Government had ardently seized every opportunity of acting in behalf of this brave and unfortunate people, but the amendment in question would have no other practical effect than of compromising the dignity of the Chamber. The amendment was supported by M.M. Villemain and de Montalembert, the latter of whom reminded the President of the Council that it would not be the first time on which an expression of regard for the Poles had emanated from that Chamber. In 1832, a similar clause had been inserted in the address, and it would be well if, in this respect, the House would follow the example of the Chamber of Deputies. M. Molé, on the other hand, in his usual tone of good sense, observed that he saw no utility in sterile demonstrations. "Yet that," exclaimed M. Villemain, "is precisely the course you are adopting towards Spain." "No," replied the President of the Council, "ask our southern departments what we are doing for Spain; inquire of the Spanish government itself who lately demanded succours which we hastened to furnish?"

A few observations on the situation of Poland were offered by General Dejean who assured M. Villemain, that, in 1812, the French army had met with no sympathy in the Polish provinces originally annexed to Russia and Prussia. The inhabitants of these provinces had no Polish feelings, nor any desire for the regeneration of Poland. It was only in

the Grand Duchy of Warsaw that a strong national feeling was discoverable. M. Villemain, however, renewed his appeal in favour of Poland, and invoked, in her behalf, justice, equity, and humanity. The small commonwealth of Cracow was as much within the range of the public law which prevailed amongst the nations of Europe as the most powerful state. M. Villemain then proceeded to recapitulate all the efforts of Russia to annihilate the nationality of the Poles, and observed that if, notwithstanding all the barbarities practised upon her, Poland still survived, that vitality was mainly assignable to the hopes which the discussions in the French and English Parliaments cherished in the breasts of her children. A nation, added M. Villemain, which had brought an army of 80,000 men into the field, and for some time held at bay all the forces of a colossal empire, was not quite so despicable as General Dejean had insinuated.

The Duke de Broglie observed, that when at the head of the government he had felt it to be his duty to offer a protest in favour of Poland. But ever since that time, convinced as he was of the inutility of such verbal demonstration, he had opposed the insertion of paragraphs similar to that under consideration. M. Montalembert asked ministers if the Emperor Nicholas was really so amicably disposed towards France as to warrant the French Government to consult his inclinations and wishes in all particulars? And he instanced, especially, the prohibition of the anniversary commemoration of Kosciusko, and the omission to invite a single Pole,

however distinguished, to the ceremonies and fêtes with which the museum at Versailles was inaugurated. M. Molé, as was to be expected, denied emphatically that he had, in any way, compromised the dignity of France in his relations with the Russian Government, or had acquiesced improperly in any desires of the Emperor. M. Bignon remarked that he had great doubts about the permanence of peace in Europe. One of the best modes of preparing for war was that France should hold out her hands to the oppressed, and declare herself the determined enemy of injustice and oppression wherever existing. It was stated by M. Molé, in the course of this debate, that the French Government had done all that was possible, in the way of negotiation, for the Republic of Cracow. The great Powers, in reply to remonstrances submitted to them, had declared that there existed no intention, on their parts, of annihilating the last relic of Polish nationality. M. Molé said, it had been his own intention, at one time, to appoint a consul at that city, but learning that the consul whom the British Government contemplated establishing there, would not be permitted to enter upon the exercise of his functions, he had felt it to be expedient to forego his design in that respect.

The amendment was, in the end, rejected by a large majority.

The next paragraph related to Spain. M. Cousin was the first to address himself to this subject, which he did by calling upon Ministers to state in explicit terms, what they proposed to do with respect to that distracted country.

Here, at least, he said, they could not assert, as they had just done in the case of Poland, that they were bound by no treaties to assist Queen Isabella. There was no ambiguity about the treaty of the Quadruple Alliance. The 6th article of that instrument declared, that it had been expressly framed with a view to the pacification of the Peninsula, and the expulsion of the two pretenders.

M. de Noailles affirmed, that the false attitude assumed by France in Spain, was to be ascribed to her own domestic position, which exhibited an incessant conflict between monarchical and revolutionary principles. The noble Speaker seems to have then proceeded to repeat the threadbare arguments, or rather assertions of the Duke de Deux Brezé concerning the encroachments of Great Britain in Spain, and particularly the occupation of Passages.

M. Molé, contended, in reply, to M. Cousin, that the Quadruple treaty merely bound France to the observance of a prohibitive system, and that, on that point, the Government had even exceeded its engagements. The Carlist army, which M. Cousin had represented as well organized and equipped, was inferior, by one-half, to the first expedition headed by the Pretender. The soldiers were literally naked, and in such a state of destitution, that it was impossible to conceive how any war could be carried on with such a force. But were the French chain of custom houses, or the corps of observation to be suppressed, an alteration would soon be seen in the present miserable condition of these troops. Succours and supplies of all sorts

would immediately pour across the frontier, in aid of a cause which the Ministers at present were doing everything in their power to combat, without compromising the honour and security of France. It was too much, however, to expect, that France should sacrifice herself for the sake of Spain. Let it be remembered, that she had other neighbours in Europe ; that she had an immense establishment in Africa to maintain ; and that the dispute, recently revived on the French frontier, between the Dutch and Belgians proved the necessity of Government being prepared at every moment, and at all points. Nothing, in fact, could be more unpopular in France, than the idea of an intervention in Spain, which, if once commenced, must be continued, though it should cost the country its last soldier and its last farthing.

Having listened to this statement from the President of the Council, M. Villemain formally demanded to know, whether the triumph of Don Carlos would be regarded by the cabinet as a case that must lead to war? A question which M. Molé very naturally declined to answer, adding, that it was quite impossible to determine beforehand, the contingencies which might or might not result in war.

M. Cousin expressed a wish to be informed in precise terms what Government intended to do for Spain, since it appeared, from the statements of the President of the Council, that neither men nor money could be spared for the assistance of the Spanish cause. "The noble Peer," replied M. Molé, "is well aware, that I never made such a statement." Here

M. Cousin exclaimed, "I am under the necessity of contradicting you." "I fling back that contradiction," rejoined the President of the Council. Whereupon the President of the Chamber interfered, and the debate was resumed. M. Villemain still pressed his question, while M. Molé declared, that he could only repeat what he had observed last year in the Chamber of Deputies, that in the event of the arrival of Don Carlos at Madrid, war and peace would depend upon the circumstances in which France might at the moment be placed. The paragraph was then adopted without further opposition.

On the following day, a discussion on the paragraph relating to Africa was produced by an amendment to the following effect, moved by M. Merilhou. "We shall neglect nothing calculated to insure the preservation of that conquest, which is henceforth to be comprehended in the colonial territory of France.

This amendment was opposed by M. Pelet (de la Lozere) on the ground, that Algeria was not yet in a condition to be classed amongst the French colonies. Moreover, he argued, it was not by a side wind that France should assert her title to her African conquests. A phrase in an address could go little way to establish the validity of her pretensions in this respect. Count d'Alton Shee found fault with the words "possessions," and "establishments," by which these conquests were designated in the address, as vague and unsatisfactory. M. Molé then brought this verbal trifling to a close, by observing, that a strange moment had been chosen for questioning Govern-

ment in the most complete manner, and the report of a special commission of the Academies of France to the Minister of the Interior, after the session of Congress, and when the law of 1837 was passed, which gave to the Academies the right to elect their members. As to the use of the word "provisional," and "extraordinary," mentioned in the law of 1837, it is to be remarked that during its passage in the Chamber of Deputies, it had been already and finally taken into consideration according to the intentions of the French Government. The address in its original form was submitted to the Chamber of Deputies in 1837.

It might have been supposed that in the discussions respecting Algeria, M. Mauguin was sufficiently explicit. He had, nevertheless, observed, that he could not find in Paris that his language upon this subject was entirely correct.

On the 24th of January, M. Lacaze Léopold, the Minister of Finance, brought forward his report in the Chamber of Deputies. He proposed his amendment of a long historical statement of the progress made by France since 1830. The amendment was accepted by the Chamber of Deputies, and the report was then read.

On the same day, in the Chamber of Deputies, the debate on the address was opened by M. Guizot, whose speech consisted mainly of complaints of the increasing opposition which Government had offered to his re-election for the department of the Yonne. In support of his statements, he read a letter which he had received

from the Minister of the Interior. It answered as a complaint which he had made of the measures proposed against him. In this, the Minister had informed him with the Minister, that the reason why he had refused his re-election, was, that he had already ranged himself in the ranks of the Opposition. The hon. Member then went into a full detail of the electoral persecution which he had endured in the name of the Prefect of the Yonne. Having thus stated in his own words, he addressed himself to a report, which, it seems, he is fond of agitating — namely, the expediency of excluding married functionaries from the Chamber. This class, he affirmed, had increased from 175 in 1831, since the last Legislature. In illustration of the extraordinary conduct of Ministers in this respect, he declared, to the amusement of the Chamber, that in the Toulouse election, the Count d'Artois alone furnished 12 candidates. It supported by the Ministry — the Attorney-general, the President, and the eight judges.

This gentleman was the only one who spoke on the address as a whole. And at the close of his speech, the Chamber proceeded to discuss the address separately. The first paragraph dealt is a strain of congratulation on the consolidation of institutions, the increase of prosperity, and on the example which France was affording of a country where the practice of liberty accorded with the maintenance of public order. "It was the re-establishment of order that enabled your Majesty to follow the dearest and most sanguine wish of your heart. Your Government has seized the opportunity of af-

facing, by the amnesty, the recollection of our dissensions, and securing the reconciliation of parties." The clause concluded by declaring the assurance felt by the Chamber, that "it was not in vain that his Majesty had hoped to see passions appeased, resentments allayed, and that the promoters of disorder, felt themselves more and more isolated." The merits of the domestic policy of the administration, were involved in this paragraph, and it led to a lively discussion. M. de Sade was the first to ascend the tribune; the conduct of the late government formed the principal object of this gentleman's animadversions, which were couched in a tone of such asperity, that M. Guizot started from his seat to interrupt him. At the close of his censures of the past, M. de Sade called upon the present Ministers to disclose to the Chamber, the system which it was their purpose to pursue.

M. Molé replied that his government had no *programme*; nay, he felt at a loss to explain what was understood by that term, as applied to an administration. The administration of his predecessors he warmly vindicated. He had approved, he said, of all their acts, and had testified that approbation by his votes. It was only owing to a favourable change of circumstances that his own Government had found it in their power to grant the amnesty, and nothing could be more unjust than to make the withholding of that act of clemency a matter of reproach against the distinguished statesmen who, in the preceding April, had retired from power. The sole object of the present ministry was the reconciliation of parties,

and government according to the laws.

M. Guizot remarked that the declaration just made by M. Molé left him little to say. It was not his intention to offer any opposition to ministers; but he would, on the contrary, assert their endeavours to attain the important end mentioned by the president of the council.

An amendment was then moved by M. Martin (of Strasburgh). It consisted of the insertion, after the words "the reconciliation of all parties," of the following passage—"and, nothing ought further to impede the effects of this measure." This amendment having been rejected by a large majority, M. Garnier Pages opened an attack upon the ministry, whom he denounced as representing reaction, and not progress. On their benches, he said, sat the men who had framed the Apanage, Disjunction and Transportation bills, and in short, whatever retrograde measures had been rejected by the former legislature, found amongst the members of the present Government their authors and their champions. The last Chamber, said M. Garnier Pages, had died of decrepitude. [Here the speaker was interrupted by a voice from the centre, exclaiming "Order, order," which seems to have been the Chamber a good deal agitated the last day of the Chamber, by the speaker's own, with the most of its bills, its predecessors, and decided which had been, and opinion.]



to disavow the past in the most unqualified manner, and ministers ought at once to decide between the right centre and the left. Their majority otherwise would certainly not exceed 60 votes, and with such a majority, how were they to remain in power? M. Garnier Pagès concluded by entreating the House to avoid an ambiguous address like that of 1834, and to enter into frank and clear explanations on the question of the reduction of the 5 per cents., and the laws of September; in short, to come to a distinct understanding on the whole political system of the Government.

M. St. Marc Girardin, the framer of the address, rose to vindicate the general tenour of the clause. The committee, he said, had approved of the amnesty without exception, but had not gone so far as to consider that measure as a veil thrown over the past. Complaint had been made that the laws of September had not been adverted to. There was surely no occasion for such allusion, since those laws now formed part of the French code, and would be executed according to the exigency of circumstances, and the energy of the magistrates. It was no part of the duty of the committee to discuss them. The committee had neither blamed nor commended the past; and their chief care in preparing the address was to leave the new Chamber unfettered by any engagement.

The subject was resumed on the 9th. M. Havin followed up M. Sade's attack upon M. Guizot, and reproached that statesman for "placing his system of policy under the protection of an august

name, which ought never to be mentioned in discussion." M. Guizot here interrupted the speaker, by protesting that he had never pronounced the King's name in that House. M. Havin observed that he had alluded to M. Guizot's famous address to his constituents at Lisieux. To this M. Guizot offered no answer, and M. Havin proceeded. Having examined the causes which had brought about the dissolution of the two preceding administrations, he called upon the present Premier to decide in favour of one or other of the two great parties personified in the respective names of Thiers and Guizot. When the amnesty was granted, it was reasonable to look for a corresponding change in the domestic policy of the Government. But it was looked for in vain. The consequences of that great act of clemency remained unpursued, M. Molé stood still, and his administration was completely paralysed. With respect to the recent elections, he was disposed to do M. Molé full justice; and he believed that he (M. Molé), wished nothing else than that the sense of the country should be fairly taken upon that occasion. But M. Molé's opinion was overruled in the council, and the vilest manoeuvres were practised on the part of the Government agents, during the elections. Hence, the ministers had demoralized the nation, and impaired the character of that Chamber. Had it not been for arts like these, the "constitutional opposition" must have triumphed. M. Havin then proceeded to condemn the ministers for their trimming policy. Why not have a system of their own?

The amnesty yawned between them and their former system like an abyss, and should therefore have become a new point of departure. Thenceforward their natural allies were to be sought amongst the benches of the left centre; but the conquered party, (the Doctrinaires) had with great address, contrived to deter them from making advances in that direction, by exaggerated representations of the union which existed between the left centre and the right. But M. Havin asserted that, to his knowledge, no treaty had been signed by the two latter sections. No doubt, an identity of views existed; and the left centre, by seceding from the right centre, had entitled themselves to the sympathy and respect of the "constitutional opposition." Further than that, he was not aware that any league prevailed. M. Havin concluded by entering into an explanation of the intentions of his friends with regard to the laws of September. He could not deny, that they desired, with no slight anxiety, the repeal of enactments which had struck a deadly blow at the constitution, and stripped the jury of one of its most sacred functions. But, fortunately, those laws were already defunct, and reposed in the catacombs of the "*Bulletin des Lois*." Even M. Guizot and M. Persil, with all their good intentions, had not dared to execute them; and no future minister would, he might venture to predict, be found to revive what they had permitted to pass into desuetude.

The next speaker was the Minister of the Interior, M. Montalivet, who followed M. Molé in vindicating the conduct of the

former Governments, and said, he gloried in avowing that he had been a sharer in many of their acts. He defended the part which ministers had taken in the recent elections; they had done nothing but what was perfectly honourable, legitimate, and legal. He stood there to answer any questions upon that head that members might choose to ask; the elections were especially within his province, and he was therefore as competent as he was ready, to afford any explanation. The amnesty was admitted by M. Montalivet to have been the forerunner of a new policy, since it had pacified the country; but he contended that, without the laws of September, that measure could not have taken effect. He could, moreover, assure M. Havin that those laws were far from obsolete, being deposited in the "*Bulletin des Lois*," as in a commodious arsenal, and ready to be called into action as soon as fresh criminal attempts required to be repelled. Before he sat down, M. Montalivet informed the Chamber that no new political laws were to be brought forward that session.

M. Jaubert, a leading Doctrinaire, begged M. Havin not to reckon on his support in the campaign which the opposition were commencing. He did not deny that, when the administration of the 15th April (the present), was formed, he began to fear, that they were on the point of losing all the good that former ones had been able to effect. But being reassured by M. Guizot's declaration, that he meant to offer no opposition to ministers, he cordially concurred with that gentleman in his view of the posture of affairs. The new Chambers he

was glad to believe, was as well affected to the July dynasty as its predecessor; but this result was not the work of Ministers. He absolved them from the charge of having exercised any undue influence; "good intentions" were the utmost of which they were guilty. It had been said, that the amnesty was the signal of a new policy—no such thing—that measure happened to be adopted at an opportune period, and preceding cabinets had prepared the way by a system of wise and moderate repression. M. Jaubert concluded his speech by assuring ministers of his support: his affection would not, to be sure, have the freshness and vivacity of a first love; it was a marriage of reason, founded on the interests of the country, and the oblivion of grievances.

Another amendment was then moved by M. Salverte, with a view to extend the amnesty to contumacious political offenders, and was rejected by a large majority. The first paragraph was then carried.

The second paragraph embraced the late elections, and gave rise to some tempestuous proceedings in the Chamber. M. Sivry charged ministers with tampering with the elections in a very unconstitutional manner, and stated facts, which, if established, certainly corroborated his accusation. One of his allegations was, that a man, under imprisonment for manslaughter, had been promised a pardon, on condition of voting for the ministerial candidate. M. Chegaray, the Attorney-general for Rennes, who endeavoured to refute, seems to have, in fact, substantiated this charge by his own shewing, for he did not pretend to

deny that the man in question, had, on the day of the election for Ploermel, actually been taken out of prison and conducted to the municipality, when he voted for the ministerial candidate, M. Hello. M. Sivry then resumed his address, and endeavoured to shew from the language of the Prefect of Morbitan, which he detailed at great length, that government had interfered at the Ploermel election by threats, menaces, bribes, and promises.

M. Montalivet distinctly declared, that having enquired into all the facts charged by M. Sivry, he had ascertained that they were without foundation. M. Sivry had, in the course of his speech, commented upon the opportune occurrence of a fire in the office of the Sub-Prefect of Ploermel, on the eve of the election, and had insinuated that it had been concerted as a pretext for postponing the election, and giving the government agents time to organize their intrigues against himself. The reply to this, said M. Montalivet, was that the fire in question having destroyed all the documents connected with the registry of electors, it had been found necessary to postpone the elections for that reason. He repelled with great indignation the charge of having, through the Prefect, been the incendiary of the building, and declared that that functionary had, neither at the instance of government, nor of his own accord, been guilty of the acts of influence and intimidation mentioned by M. Sivry.

M. Sivry shortly afterwards made use of the following expressions, "I shall add but one reflection, and it is this; after having had the wretched courage

to resort to such vile means as I have here denounced, it ought not to surprise any body if the guilty party should have the cowardly baseness to cause them to be denied from the tribune of this Chamber. The country will judge between us."

The Minister of the Interior, hurrying to the Tribune, "I confess, that after the words just uttered by M. Sivry—"

M. Bernard, "and which are infamous."

M. Sivry, "I avow and hold myself responsible for them." Here the President interfered, and remarked that the words in question could not be held to belong to, or to be avowed by any person. They were the inconsiderate expressions of a member unaccustomed to *extempore* speaking. But this way of getting out of the difficulty, however ingenious, was apparently a little too refined for M. Sivry, who repeated, that he held himself accountable for whatever he chose to utter, and that he did not retract a single syllable.

Here the matter dropped for the time. M. Mauguin rose to prefer a charge of electoral interference against the Prefects of La Correze and La Lozere. The accusation against them, as well as the Prefects of other departments, was repeated by M. Larrabit. One fact in particular, observed the last-named deputy, affected him most keenly; he alluded to the dismissal of a brave general who had reflected lustre on the army. Several voices here exclaimed "name, name." But M. Larrabit said, he would not disclose his name; the minister at war knew it well enough. After a little delay,

proceeding from interruptions, M. Larrabit read a letter from the officer in question, stating, that aware of the scandalous means employed to insure the election of M. Guizot for the department of Calvados (of which he, the general, had the military command), he had refused to sanction by his presence a meeting at which M. Guizot delivered a political speech, or to attend a public dinner subsequently given to that gentleman by his partisans. To his backwardness on these occasions the writer ascribed his dismissal from his command.

M. Guizot was about to reply to this attack, when he was anticipated by the Minister of War, who denied that any political considerations had led to the removal of the officer in question.

The name of the complaining party was first pronounced by M. Odilon Barrot, who told the Chamber, that General Corbet had called upon him respecting this affair. "I immediately asked," said the hon. deputy, "has your dismissal any direct or indirect connexion with your performance of your military duties? If so, I should decline to array a military functionary against his superior, as it would go to weaken that discipline, which must, before all things, be maintained in the army. General Corbet replied to me in these terms. I was dismissed, after refusing to concur in a manifestation which had —"

Here several voices exclaimed, "There was no manifestation at all, General Corbet is an Irishman, and not entitled to vote."\* M.

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\* General Corbet, we believe, was one of four Irishmen arrested at

Odilon Barrot proceeded; he admitted that the meeting in question was not a meeting of electors, but of the Antiquarian Society of Caen. But believing that M. Guizot, would, in his character of President of that Society, make a political speech, General Corbet, who was a member of the same society, refrained from attending the meeting, and was immediately afterwards removed from his command. The Minister of War had himself admitted to M. Odilon Barrot that he had no reason to complain of the manner in which the General had discharged his military duties.

The President of the Council remarked, that the Chamber should remember the inconvenience that would ensue, were the Government obliged to give, in all instances, public explanations of its reasons for dismissing individuals from the public service. M. Guizot followed, declaring that the meeting of the Antiquarian Society at Caen, had been without any political object; and that he had been ignorant, at the time when that meeting was held, that General Corbet belonged to it.

The discussion concerning General Corbet had no sooner come to an end, than M. Billaudel proceeded to bring a case, in which he was personally the sufferer, before the Chamber. But the hon. De-

puty could hardly expect to meet with much sympathy, for the substance of his complaint was, that he had been removed from the situation of engineer of the department of the Gironde, retaining nevertheless his salary.

M. Martin (du Nord), Minister for Public Works, explained, that the duties of a deputy and an engineer for so important a department as the Gironde were incompatible, for which reason alone, M. Billaudel had been placed, for a time, in "non-activity."

The debate was then adjourned. But, it seems, that, as M. Sivry was leaving the House, he encountered M. Leroy, the Prefect of Morbihan, who had been present, as one of the auditory, during M. Sivry's animadversions on himself. A fracas ensued, and a hostile meeting was arranged, but the police intercepted the combatants.

On the following day, the conduct of the Prefect, in assaulting a member within the very precincts of the Chamber, on account of language used in debate, was the theme of much censure. After considerable uproar, the discussion on the address was allowed to proceed. M. Billaudel having repeated his complaint, and renounced his salary upon the terms on which it was offered, M. de St. Albin, and M. Larrabit produced fresh complaints against ministers for their corrupt practices during the elections. M. de St. Albin moved an amendment condemning the undue influence exercised by government, which was noisily opposed from the ministerial part of the House. M. Roger followed and related, how a respectable physician of his acquaintance had been superseded

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Hamburgh in the year 1799 or 1800, and sent prisoners to Dublin. Before the decision of the government respecting their fate was declared, the general effected his escape from Kilmainhain Gaol; after which he entered the French service. General Corbet had a command in the French corps which was sent to the assistance of the Greeks.

in the management of an hospital, because he had voted against the ministerial candidate.

M. Odilon Barrot, while he fully approved of the spirit of the amendment which M. de St. Albin had just proposed, entreated that gentleman not to press his motion. He then read a paragraph of election law to prove, that any interference with elections, direct, or indirect, on the part of the Cabinet, was illegal. M. de St. Albin said, he had no objection to comply with M. Odilon Barrot's suggestion; but before he withdrew his amendment, he wished to know whether that deputy concurred in his sentiments, respecting the late elections?" "That I do most fully," replied M. Odilon Barrot. "Why then," exclaimed M. de St. Albin with great vivacity, to the great amusement of the Chamber, "should I withdraw my amendment?"

M. Montalivet then rose to reply to M. Odilon Barrot. After citing a circular letter from M. Dupont de L'Eure, when Minister of Justice in 1830, recommending in the strongest terms M. Odilon Barrot to the electors; the Minister of the Interior boldly declared that no ministry could get on without permitting itself some degree of interference in these matters. He appealed to the practice of the President of the United States, who dismissed all the public officers, who did not use their exertions to secure the return of government candidates. The American functionaries, said M. Montalivet, form an army regularly drilled and disciplined, and obeying implicitly the orders of their chief, as is clearly shewn by M. de Tocqueville, in his admi-

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nable work on the United States. How was it possible, the minister asked, that the government could remain indifferent to an electoral contest, when committees were formed over the entire territory, who were employed in circulating all kinds of calumnies against the government? M. Montalivet finished his speech by declaring that his interference in the late elections had been perfectly honourable and legitimate.

The reader will not fail to be struck with these declarations of a Minister in a country where "the ballot" is in full operation. And what is still more remarkable in these discussions, no one seems to have even adverted to the possibility of checking the malpractices of the Government by imparting fresh efficacy to the secret system.

M. Dupont de L'Eure, in reference to what had fallen from M. Montalivet respecting himself, said, that he had written the letter in question not as a minister, but as an elector.

M. Montalivet replied, that M. Dupont de L'Eure's conduct required no defence; he had not blamed it; and only wished to shew, that he, also, had been of opinion that Ministers might fairly influence elections.

The amendment was ultimately rejected, and the second paragraph was adopted.

To the third paragraph, which alluded to "the repose of the world" and the preservation of peace, "after the care of her honour, the most ardent wish of France," an amendment was moved by M. de Mornay (Marshal Soult's son-in-law) in favour of the nationality of Poland, "which should ever have in its favour right,

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justice, and our lively sympathies."

The President of the Council opposed this amendment, with the arguments which he had already resorted to in the Chamber of Peers. M. Odilon Barrot, on the other hand, contended, that the annual declaration of the Chamber in favour of Poland kept that ill-fated nation still alive.

The amendment was carried by a considerable majority; after which an important and animated debate took place on the paragraph which referred to Spain. M. Hébert having proposed a verbal alteration in the clause,\* which would imply a retrospective commendation of the policy hitherto pursued by the Government, was opposed by M. St. Marc Girardin, who said, that as the organ of the committee of the address, he felt himself bound to say, that France sympathized strongly with the liberal cause in Spain, and was aware of the danger to herself which would result from a revival of despotism in that country. On the other hand, he must observe, that positive intervention was by no means popular in France. It was idle to assert, that an intervention must ensue upon the Pretender's occupation of Madrid; but he thought it might be affirmed, without incurring any direct engagement to that effect, that an inter-

vention would take place as soon as it was required by the interests of France, to which the entire question was subordinate.

It was argued by M. Thiers, that two systems of French policy were possible with regard to Spain. One was the system which had signed the quadruple treaty, and gone no further. This was the policy of Ministers. Indirect assistance had been afforded; and the frontier closed against the Pretender. But he said, that in his opinion an utter ignorance of the spirit of the quadruple treaty had been betrayed by those who, after France had signed a treaty binding her to the exclusion of the two Pretenders from the Peninsula, had limited her action to wishes and indirect assistance. He, therefore, was an advocate of the other system, which, not confined to desires and barren sympathies, would carry its interference in the affairs of Spain as far as the interests of France would permit. M. Hébert's amendment, and the original clause contrasted these two systems. He preferred the latter, which, while it left full freedom of action to the Government, warned it of the serious responsibility already incurred.

On the other hand, it was remarked by M. Molé, that until he heard M. Thiers, he had entertained doubts of the necessity of M. Hébert's amendment. These doubts were, however, now removed, and he should support the amendment. Of the two systems which had been placed in contrast, he preferred that which excluded intervention. The quadruple treaty, when it was signed, bound France to nothing, but merely stipulated, that an application should be made to her when her co-operation

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\* The original paragraph contained the following passage:—"And we confide in the measures which your Government, in executing faithfully the treaty of the quadruple alliance, may think proper to adopt, in order," &c. M. Hébert's amendment proposed to substitute the words, "by continuing to exercise the treaty," for "executing faithfully," &c.

might be necessary. Within the space of a month, France engaged to close the frontier of the Pyrenees, but entered into no further obligation. Whatever had been promised had been afforded; and, with the exception of an armed intervention, no possible aid had been withheld. Ardently as Government desired to witness the triumph of the liberal cause in Spain, it was his duty to state, unreservedly, that in no case could France intervene in that country's affairs. The position of France herself at that moment was not so encouraging as to admit of 80,000 men being sent across the Pyrenees. France had already given more moral and material succour than she could have been called upon to furnish, and as long as he remained at the head of affairs, nothing more should be done.

This declaration of M. Molé called up M. Thiers again, who affirmed, that he looked only to the interests of Spain in subordination to those of France. Spain must not be saved at the expence of France. In all his exertions on behalf of other nations, he had confined himself within the limits of possibility; as often as an insuperable obstacle presented itself, he had paused, however noble the object. This had happened with regard to Poland. Her misfortunes affected every elevated soul, and there was an almost universal desire to see her wrongs redressed. But, said M. Thiers, "I said, no; I likewise said, no, for Italy, where the difficulties attendant upon intervention were less formidable, because I saw, that war must inevitably result from our interference. But in Spain, where our influence is so

great, and where our interests are so important, there are neither insurmountable obstacles to be overcome, nor formidable dangers to be encountered." Surely the Government having, in the face of Europe, concluded a treaty for the expulsion of the Pretender, was not absurd enough to discover for the first time, three years after the event, that the league might, perhaps, involve France. If so, it should come forward and declare to all mankind, that it had been guilty of an enormous blunder, compromising the repose of France, and sacrificing the real interests of that country. "I think, for my part," continued M. Thiers, "that in recognizing the Queen of Spain we have obeyed an instinct that has existed during the last two centuries; for the moment that country ceases to be our friend, she of necessity becomes our enemy, and the rallying point of the Powers hostile to France. When Napoleon was contending with England, it was the great object of that country to detach Spain from his alliance. I do not mean to teach you history; but you must all know, as well as myself, that Austria, and whatever other powers there may be in rivalry with us, are always aiming at a Spanish alliance. When Louis XIV. accepted the will of the King of Spain, declining, as the price of relinquishing his claims under it, the natural frontier of France, he was accused of a miserable family ambition. But the monarch acted wisely, in preferring to every thing else the opportunity thus offered of establishing in Madrid a system of policy in harmony with his own." M. Thiers then proceeded to say, that in executing the quadruple treaty

France had not committed the blunder which the present policy of Ministers seemed to impute to her; on the contrary, the illustrious statesman who concluded it would have thought himself dishonoured had it merely meant to convey an expression of sympathy towards Spain. The question between Ministers and himself, M. Thiers, said, stood thus. He did not demand immediate intervention, nor intervention at any price; but he required that, when Spain was placed in pressing and imminent danger, something should be done on her behalf. Ministers, on the other hand, said, they would not consent to intervention under any circumstances, and even condemned an armed co-operation as unworthy of France. What, then, remained to be done? Nothing. Well, then, let France be told, that nothing was to be done; let it not be concealed from Spain; and let Queen Isabella be informed, that if Fortune betrays her cause, France will have wished her success, but that, beyond wishes, France is too wise to have aught to offer to her allies.

On the following day (January 11th) the debate was resumed. M. Passy seconded the views of M. Thiers, arguing, that by the 4th article of the quadruple treaty France was bound to give its aid, in a military form, towards the expulsion of the two Peninsular pretenders. It was not the expression of bare wishes, and the establishment of lines of custom-houses, that would satisfy the obligations which France had thereby incurred. M. Passy then proceeded to shew the danger which would arise to France out of a counter-revolution in Spain. The Basque provinces would become the focus

of conspiracies, which would have the effect of kindling the flames of civil war in the bosom of France. With this danger staring him in the face, it ill became the president of the Council to proclaim a determination, never to give his consent to an intervention.

M. Molé here interrupted M. Passy by declaring, that in his opinion intervention implied a violation of national independence and of natural right, and could only be justified by the paramount necessity of self-preservation.

M. Passy continued. Don Carlos would be, as soon as successful, surrounded by the ambassadors of Powers hostile to the Queen's cause, and in reality hostile to France, who might, therefore, look for war on the Rhine when it made its appearance on the Pyrenees. Adverting to the two systems of policy delineated by M. Thiers, M. Passy remarked, that the one was weak and faltering, seeking to disarm hostility by concession, and utterly unwise and ruinous. Its effect must be, to isolate France, since no one would regard the friendship of a power which abandoned its allies for the sake of propitiating its enemies. The other system carried things with a high hand, and, by overawing hostile Powers, secured France from molestation, and attracted towards her the respect of all parties. At all events, nothing could be more impolitic than the declaration just made by M. Molé, that he would never sanction intervention. By those few words he had placed a crown in jeopardy, and rendered to Don Carlos service more essential than the millions which were sent to him from other parts of Europe.

M. Molé said, that the Govern-

ment had done more than address mere wishes to Heaven for the Queen's success. Fourteen brigades of *gendarmerie* were now watching the Pyrenean frontier, and preventing the introduction to Spain of stores and munitions of war for the service of the Carlists. The Spanish Government had asked France to allow a Spanish officer to levy a battalion of volunteers in Paris. Permission to that effect was instantly granted. In the same manner, the aid of steamers had been solicited, and also permission to march Christino troops across the French territory. To both these applications a favourable reply was returned by telegraph. As regarded the counter-revolution in Spain, he would do all he justly could to defeat it. To interfere at the present moment would, he thought, be risking too much. The expedition of 1823 had been undertaken under most favourable circumstances. The entire population was then well disposed to the invading force. That enterprize, nevertheless, had cost France 400,000,000 francs, 80,000,000 of which still remained unpaid.

M. Mauguin, M. Dufaure, and M. Odilon Barrot repeated the arguments in favour of intervention, and declared their intention respectively to vote against the amendment of M. Hebert. On the other hand M. Guizot, while he ardently desired to see the consolidation of the Spanish monarchy, could not consent to an armed intervention by France, with a view to effect it, because as he argued, the internal state of Spain without credit, without an army, without an administration, torn by factions, and utterly beggared must render such a step on the part of France,

of at least, problematical success. It was no part of the duty of France to undertake the gigantic task of completely re-modeling Spain, nor was she required to assert her own principles by arms in whatever country was a prey to the ravages of war. She had indeed carried her interference into Belgium, because there she had a direct, and an immense interest; but such was not the case in Spain, at least for the present. Without being opposed to intervention in Spain, under every possible contingency, he could not but conceive that France would be adopting a detestable system, were she to enter into a positive and irrevocable engagement on that point. The revolution of 1830 was too sacred, to allow of its destiny being identified with that of all other revolutions, wherever occurring. By adopting the amendment, the Chamber did not place itself against intervention absolutely, nor when it should be deemed necessary for the interest of France, whereas the original paragraph would fetter the Chamber, and leave it no alternative but to interpose. It should not be forgotten that while a system of non-intervention might be intermitted, a system of intervention, if once adopted, was irrevocable.

The amendment was also supported by M. Salvandy, the minister of public instruction, whose speech, however, presents little novelty of argument or statement. Upon the close of M. Salvandy's address, M. Thiers again ascended the tribune, and in a long speech vindicated his own policy, and developed his views on the Spanish question more fully than he had before done. He ad-

mitted that intervention was not a matter of immediate necessity, and that circumstances of a more serious nature, than the present, ought to arise, before France should commit herself to that course; it depended, in fact, on future contingencies. He repeated, he was no partizan of intervention at any price. This was a calumny which it was beneath his dignity to answer. It was true, that two years ago, he had declared for intervention. The moment then seemed to him opportune, and the moderate party held the reins of power in Spain. By her present uncertain and deceitful policy, France was placing Spain in a situation of extreme peril. M. Thiers then proceeded to declare that he was ready to do anything, save to utter a falsehood, to rescue that country, not on account of any personal attachment to its cause, but because he considered it "the corollary of France." She could only live by the moral and material succour of France. The word "never" should not have fallen from the lips of the president of the Council. It was a great mistake. It prejudiced the moral strength of France, Spain, and even England. After repeating some details of past transactions, M. Thiers went on to affirm that the amendment made the Chamber a party to a policy, which had always refused to achieve any thing serious for Spain, and was content to limit its operations in that quarter to a cordon of fourteen brigades of *Gendarmerie* and to the loan of a steamer or two. He then proceeded to consider the tenour of the quadruple treaty. That treaty, he contended, was the offspring of the alliance between France and England, it

had consolidated and strengthened that union. If England was particularly interested in preventing Don Miguel from mounting the throne of Portugal, France had no less an object in the defeat of the pretensions of Don Carlos to the crown of Spain. Between the two protecting powers it was impossible that any jealousy could exist.

M. Thiers next entered upon a justification of his own policy in withholding an armed interference in the affairs of Poland and Italy. To assist the former, a French army must have fought its way across a great portion of Europe, a general war being, of course, the result. In Italy similar difficulties presented themselves, though it must be confessed, that the occupation of Ancona proved that they existed in an inferior degree. M. Thiers then addressed himself to a consideration of the dangers which France must apprehend from Don Carlos, in the event of a general war; and predicted that, if the French Pretender entered the country, at the head of an united legitimatist and Spanish force, the dynasty of July would be placed in great peril, on account of the sympathy which still existed in favour of the elder Bourbon branch in the south of France. It had been objected that, when a French army was engaged in Spain the army which France would have, in case of need, upon the Rhine, would be diminished by 40,000, or 50,000 men; but for this very reason he advised the government to take advantage of peace, while it lasted for the purpose of definitively disposing of the Spanish question.

M. Molé's reply to M. Thiers, although it, of necessity, contained

little that had not been already advanced upon that side of the question, was delivered with a calm and ready dignity which seems to have made a great impression upon his audience. After a rejoinder from M. Thiers, the amendment was carried by a majority of between seventy and eighty, a victory which was regarded by the Parisian public as decisive of the character of the entire parliamentary campaign.

The consideration of the matter contained in the paragraph which related to Africa was deferred, until certain papers bearing upon the subject should be laid on the table. In the mean time, the paragraph itself was allowed to pass unquestioned. The ninth paragraph expressed a hope that the prosperous condition of the finances, would "permit the government to lighten, by the conversion of the debt, the burthen of public taxes." For the words "we hope," M. Salverte proposed to substitute "we have no doubt."

M. Odilon Barrot having required a frank and positive declaration of their intentions on this matter from the ministers, M. Lacave-Laplagne said, that the Government, had, on various occasions, shewn its readiness to give a full and satisfactory answer to this question. He had no intention of disputing the right of the nation to pay off its debt as soon as a favourable opportunity occurred. The question then was, at what period the Government should undertake this operation; and the only time, in his opinion, was when the financial state of the country was satisfactory. But at the same time, there were considerations, beyond the mere state of the treasury, which ought to be

kept in view in forming a determination on this measure. It was not only indispensable that the actual finances of France should be in a prosperous condition, but equally necessary that the commercial state of the world generally should be taken into account, together with the immediate effect which the operation in question would be likely to produce upon the trading interests of the country. Now the Government was not of opinion that, at the present moment, such a conjunction of favourable circumstances was apparent as would justify the conversion of the five per cents. The late commercial crisis in America, and its effects in France and England were not to be forgotten; nor had all the questions which originated in that crisis yet been solved. It might be admitted that 17,000,000 francs, or 18,000,000*l.* might be saved in the first six months, after the conversion of the stock, but in case the effect of this economy were to be to embarrass mercantile transactions, that temporary advantage would be of no avail. While, therefore, the Government deprecated any precipitate proceeding in the question, and reserved to itself the right of determining the most suitable occasion for the measure under consideration, it fully recognized the justice, as well as the expediency of effecting the desired operation at the first favourable moment.

The equity of converting the 5 per cents. was questioned by M. de Lamartine, who, however, admitted, that the majority of the people were in favour of the reduction. But he called upon the Chamber to consider the misery which the proposed measure would



entail on thousands of poor fundholders, while the alleviation of public burdens which might attend it would be most insignificant.

The immediate practicability of executing this conversion was asserted by M. Gouin. After which, M. Salverte, finding that Ministers did not deny the justice and legality of reducing the interest of the stock, voluntarily withdrew his amendment.

This discussion was the last. The remaining clauses of the address passed without opposition, and the *ensemble* of it being put to the vote, was carried by a majority of 216 to 116. It will have been seen, that the only discussion of real importance took place on M. Hébert's amendment to the paragraph relating to Spain. That amendment seems to have been the offspring of a temporary compact between Ministers and the Doctrinaires, who, by throwing their weight into the scale, gave the Molé administration a triumph over the left-centre and the "constitutional opposition," between which two sections of the Chamber an approaching coalition was visible. The really defeated party, M. Thiers, seems to have fallen before the more able manœuvring of the King, who on this occasion found means to secure the wavering services of the Doctrinaires. It was nevertheless observed at the time, and subsequent events have amply justified the remark, that the advantage thus gained might be dearly purchased.

The recent elections had made it sufficiently apparent, that the Doctrinaires, as a party, were not popular; public opinion gravitated rather to the left centre than to the right, and there was reason to

apprehend that Ministers, by leaning for support on the party whom they had recently ejected from their ranks, were impairing their own credit, without, in reality, propitiating their doubtful allies. On the other hand, the advantage which these last derived from their league with the men whom they were preparing at the earliest moment to supplant, was exemplified in the results of an election of a committee to examine into the state of the sinking fund. Six Members were required to form this committee, but three only of the candidates proposed could at first obtain the requisite number of votes, and those three were Doctrinaires,—M.M. Jacques Lefevre, Alphonse Perier, and Benjamin Delaport. M. Lafont, a member of the same sect, was at the head of the list of the unsuccessful candidates. While, however, Ministers gave such substantial testimony of their readiness to coalesce with the disciples of M. Guizot, they did not allow any opportunity to escape of conciliating M. Thiers. Their position in fact, as well as their tactics, seems to have, in this respect, closely resembled that of the English Whigs, and, in both cases, what the French call the "*bascule*," or see-saw system, has been attended with a similar result—the gradual depreciation of the party practising it.

A subject, the importance of which does not strike an English apprehension, soon afterwards began to occupy the public mind in Paris. A proposal, emanating, it seems, from Ministers and supported by the right-centre, for restoring the use of the costume of old worn by the deputies, with the modern addition of a silver badge bearing the words "honour, econo-

my, independence, and justice," was, for several sittings, under solemn discussion. The Chambers seem to have, in the first instance, come to an affirmative vote upon the question, but subsequently the bill itself was rejected, notwithstanding the exertions of ministers in its behalf, by a majority of 196 to 158.

This discussion was not, in fact, quite so frivolous as it might appear to be. By rejecting the costume, the Chamber was supposed to have aimed a blow at the King's alleged propensity to recur to the habits and etiquette of a former order of things.

Early in February, a bill was brought in for granting an annuity of 10,000 francs (400*l.*) to the widow of General Damrémont, who fell, it will be recollected, at the siege of Constantine. The committee, to whom the bill was referred, recommended that the pension should be cut down to 6,000 francs. Amongst the supporters of the grant, as it originally stood, besides the Ministers, M. M. Berryer Guizot, Thiers, Odilon, Barrot, and other distinguished leaders of their respective parties might be found: the amendment, nevertheless, prevailed.

A few weeks afterwards, a similar proposition afforded a remarkable illustration of the working of the system of secret voting.\* A motion to grant a pension of 3,000 francs (120*l.*) to the widow

of Colonel Combes, also slain at Constantine, was, after a long discussion, put to the vote. On a show of hands, a very considerable majority appeared in favour of the grant, but, when the question was submitted to the action of the ballot, a very different result was obtained, and the grant was rejected by 160 to 159.

The opposition displayed to Madame Damrémont's pension may be perhaps explained by the fact, that the late general was one of the first to desert Napoleon on the re-appearance of the Bourbons, in 1814, and was suspected of having, to the last, entertained a sentiment of affection for the "elder branch." It was, moreover, a prevailing opinion, that the death of this officer facilitated, rather than retarded, the reduction of Constantine.

A defeat was sustained by Ministers on the appointment of the committee on the Budget; M. Passy of the left centre being elected chairman and reporter, by a majority of 17 to 19, over M. Duchâtel his doctrinaire competitor. This reverse was followed by another, M. Gouin having beaten the ministerial candidate M. Bignon (de la Loire inferieur), in a contest for the post of secretary to the same committee. The election of M. Laffitte for one of the *arrondissements* of Paris, added one more to the list of repulses which were about this time endured by the Government. This gentleman, it may be remembered, had failed at the general election, but such was the respect in which he was held by his party, and so great was the confidence entertained of his ultimate re-election, that the seat usually occupied by him in the Chamber, was kept

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\* A similar instance occurred later in the session. The various paragraphs of a bill for appropriating land left uncovered by the sea, were adopted *seriatim*. But when the Chambers proceeded to ballot on the *ensemble*, a majority of 18 appeared against it.

carefully vacant. This event was followed by the election of M. Sauzet, as president of the sub-committee for the examination of the supplies demanded by Ministers for the departments of foreign affairs, justice, and public instruction. The unsuccessful candidate was M. Persil, the late minister of justice.

On the 15th of February, M. Passy brought forward a proposition for emancipating such children as should be thereafter born of slave-parents in the colonies. After a discussion, in which Ministers, supported by M. Berryer and M. Mauguin, who it seems is agent for the colonies in Paris, opposed the motion, and M. M. Odilon Barrot, La Martine, and Laborde, urged its adoption, the Chamber determined, by a considerable majority, that it was proper that the subject should be taken into consideration.

A petition was, at this period of the session, presented to the Chamber of Deputies which is not altogether unimportant, as perhaps indicating an improved tone in a quarter where it was much needed. The document in question prayed that the Pantheon, the desecration of which is noticed in the previous volume, might be restored to religious purposes. It was signed by 450 students of the schools of law and medicine. The Chamber, however, rejected this petition by an almost unanimous vote.

On the 24th of February, General Bernard, the Minister of War, presented a bill to the Chamber of Deputies for a supplemental grant of upwards of 18,000,000 francs to defray the expense of the increased military force in Africa during the year, as well as that

of various civil and military works. This proposition was accompanied by a sketch of the condition and statistics of the French possessions in Africa, which the King in his speech at the opening of the session, had promised should be presented to the Chamber. General Bernard, after directing the attention of the Deputies to this account, remarked, that it was imperative on France to maintain in the regency a large military force. He proposed to fix the effective strength of the army of occupation for the year 1838, at 48,000 men, and 11,372 horses, being an increase of 25,079, and 5,980 horses on the budget of 1838. The pay and maintenance of this augmented force, would amount to 15,594,000*f.* In addition to which, other heads of expence, not provided for in that budget, had been occasioned by the enlarged establishment of the Government of the colony—the necessity of secret service money—and the repairs and replacing of the military material injured during the expedition to Constantine.

These items would raise the gross sum required to 16,671,408*f.* (666,856*l.* 6*s.* 8*d.* sterling). “But,” continued General Bernard, “when you shall have thus provided for the wants of an army of 48,000 men, during the present year, much will remain to be done for the stability of our dominion. Other necessities present themselves, and we can no longer defer the accomplishment of that difficult task, commenced by conquest and which civilization must complete. The moment has arrived for entering on an undeviating course—our situation in Algeria at length permits us to occupy ourselves in providing for its per-

manent establishment." The minister then proceeded to detail the measures necessary for the purpose in view,—the construction of fortifications, barracks, hospitals, magazines, roads, lazarettos, harbours; the draining of marshes, the extension of the mole, &c., the estimated cost of all which would be 26,800,000*f.*, but of which only 1,500,000*f.* would be required during the current year, and 300,000*f.* during the year 1839.

Having finished his demands on account of Algiers, General Bernard proceeded to ask for a supplemental grant of 4,404,843*f.* for the purchase of horses, harness, forage, and clothing of the cavalry, artillery, engineers, &c., not provided for by the budget.

The debate on the grant of secret service money is generally among the occasions selected for a trial of strength between the ministers and their opponents. In the present session, Government was so far fortunate as to obtain a majority of six of the nine members who constituted the committee on the secret service money bill. The subject came under the consideration of the Chamber on the 12th of March, the sum required by ministers for the purpose in question being 1,500,000*f.* M. Guaguier was the first to address the house, and declared it to be his opinion that "ministers possessed sufficient means of influencing elections, through the 250,000 public functionaries who lived upon the budget, without requiring so exorbitant a sum as that demanded of the Chamber." As the debate proceeded, a very ominous symptom displayed itself in the defection of the Doctrinaires, who might hitherto have been supposed to be in league with

ministers. The conduct of the administration was attacked in violent terms by no less considerable a person than M. Jaubert. He accused them of the most extravagant application of the secret service money already voted; and in illustration of his charge, stated that it was notorious that they had paid 800,000*f.* (32,000*l.*) for newspaper support alone.

M. Gisquet, ex-prefect of police, was of opinion that, considering the tranquillity which prevailed, the sum demanded was too large. In the worst times of the revolution the secret service money did not exceed 1,200,000*f.*

M. Montalivet replied to M. Gisquet with great warmth, declaring that the present order of things was menaced with urgent danger both at home and abroad. They had a "republican Coblenz, a legitimate Coblenz, and a Bonapartist Coblenz." The minister here became so excited that it is said he actually swooned away, and the debate was interrupted. On the following day, M. Guizot, left no doubt as to the fact of a rupture having taken place between ministers and his own section. While he voted for the grant, he declared that, in his opinion, the ministry did not possess the inherent strength or that parliamentary influence which was requisite for the efficient discharge of their duties. In the course of his observations, M. Guizot produced some sensation by confessing that, for some time, the government founded in 1830, had been engaged in any thing rather than in consolidating its elements, and that it was useless to dissemble that the doctrines of opposition were gaining ground to an alarming extent. M. Guizot was

followed by M. Passy, who imputed the admitted feebleness of the government to their recent alliance with the Doctrinaires. At the same time, he felt bound to declare, and he spoke from his own experience as a minister, that "there existed an insurmountable obstacle to the formation of a ministry belonging to, or influencing a majority of the Chamber." The speaker was, of course, understood to allude to the king's attempted supremacy in his own cabinet.

M. Molé then addressed the Chamber in his usual manly, calm, and dignified manner. The question before them was not one of money, but of confidence in his colleagues and himself. It was neither his wish nor his intention to remain in office at any price; and he only asked of the Chamber to express by its vote on the measure under consideration, whether it desired the resignation of the present cabinet or their continuance in office.

The question was first put on an amendment proposed by M. Boudet, for reducing the grant from 1,500,000*f.* to 1,200,000*f.* This being rejected by a majority of 233 to 184, the main question was put to the vote, when there appeared, for ministers 249: against them 133; majority 116.

It required no great sagacity to foresee that this victory would hardly be followed by the advantages which similar success usually induces. M. Guizot did not withdraw his support from Government on this occasion, merely because he considered that their immediate overthrow would be premature. He preferred to wait until the alliance between himself and M. Thiers, the approach of which now became visible,

should be consolidated. Accordingly, the warmth and excitement of the great debate on the secret service money had scarcely subsided, before the now combined opponents of ministers obtained a significant triumph in the appointment of the committee of finance. Scarcely a partisan of government was elected to this body, and it was remarked, that the defection of the Doctrinaires from M. Molé had been attended with an increase of votes in their favour.

It should be mentioned, that one most important feature pervaded the debate to which we have been alluding. Almost all the leading speakers concurred in lamenting, in terms more or less express, the disinclination of the King to assume the negative position which the theory of the constitution assigns to him.

It was, perhaps, to this, more than to any other cause, that the increasing predominance of the left-centre in the Chamber was ascribable, and the projected alliance between that section and M. Guizot, no sooner assumed a substantial shape, than deputies of all shades of opinion made ready to enlist themselves with a party which promised an effective, and not unconstitutional resistance to the undue activity of the Crown. It became also evident that the Ministry must be of short duration. Independently, indeed, of the formidable opposition which was gradually coming into action, the composition of the Chamber itself, was like that of its predecessor, of an eminently unsatisfactory character. Its proceedings from the beginning of the Session, had evinced a want of steadiness and unity which, to say the least of them, must prove very embar-

rassing to those charged with the conduct of public affairs. And, at an early period, it should seem, that the alternative of a majority on which no continuous dependence could be placed, or of a triumphant opposition was rapidly developing itself.

At this period of the year, an event occurred in Paris, which, if only for its rarity, is entitled to be commemorated. A public dinner was given to M. Laffitte, in celebration of his election for the sixth *arrondissement*, in the room of M. Arago, who having been also returned by another department, made his election for the latter, and earnestly besought his metropolitan constituency to replace him by M. Laffitte, "the possessor of the most enviable reputation in Europe." About 980 persons attended this banquet, the chair being filled by Dr. Dumeril, one of the professors of the School of Medicine. From the accounts given of it, this would seem to have been a more than usually successful imitation of our English political conviviality. The toasts were drunk with enthusiasm, amid the strains of martial music, the wine flowed freely, and it was only when a voice demanded the *Marseillaise* hymn from the band, that the assemblage was reminded of the restraints which the morrow was to replace upon their passions and their tongues. To the call for the *Marseillaise*, the master of

the band replied, that he had not brought the music with him. "Ah!" was the general exclamation, "you are forbidden to play it—never mind, we will sing it ourselves." And, accordingly, this animating air was chanted in full chorus, and was followed by the *Parisienne*.

The Chamber of Deputies voted the supplementary sum of 900,000 francs for military pensions by a majority of 224 to 20. The discussion on this proposition was only remarkable for an intemperate sally of M. Arthur Labourdonnaye, who characterized the revolution of July, as a "catastrophe." The utterance of this phrase having provoked an universal shout of reprobation from the Chamber, the Duke de Fitz-James attempted to justify the expression by affirming, that the King had himself already made use of it to denote the same event. M. Dupin addressed a reprimand to the Duke for his unparliamentary introduction of the royal name, and summoned M. Labourdonnaye to retract the offensive term. But that gentleman proceeded in his speech without noticing the appeal, though supported by almost the entire Chamber, and was again interrupted on applying the word "yoke," to the rule of the present dynasty. The President's calls to order, seem to have been attended with little effect.



## CHAPTER XIX.

FRANCE continued.—*Rail-roads—State of the Question in France—magnificent Projects of Government—Scheme actually proposed to the Chamber—Appointment of a Committee—M. Arago's Report—Course taken by Government—Railway Committees—Debate on Secret Service Money in the Chamber of Peers—Debate on the Reduction of the 5 per Cents. in the Chamber of Deputies—Death of Talleyrand—New Plot against King's Life—Hubert's Trial—Prosecution of The National for a Libel on the Duke of Orleans—Debate on Algiers in the Chamber of Deputies—Debate on the Army Estimates—Promotion of the Dukes of Orleans and Nemours to the Rank of Lieutenants-general—Debate in the Chamber of Peers on the Staff of the Army—Form of the Bill as brought in by Ministers—Nature of the Question—Anomalous Result of the Discussion—Peers throw out the Bill for reducing the 5 per Cents.—Trial of M. Laity before the Peers for a seditious Pamphlet—Prosecution of the Temps Journal—Affair of Challas—Removal of M. Fabricius, Dutch Ambassador—Treaty with Tripoli—Duchess of Orleans delivered of a Prince—Address of the Municipality of Paris on the Occasion—Trial of General Brossard—Dispute between the French and Swiss Governments concerning Louis Buonaparte—Quarrels with Mexico and Buenos Ayres—Sugar Question—Electoral Reform—Petition of National Guards—National Guard of Mentz dissolved—Affair of M. Lermnier—Results of the Session—Coalition between the Doctrinaires, left Centre and left—Treaty between France and Hayti.*

**I**N France, as elsewhere, rail-roads form a very predominant topic of public interest; but, in addition to its ordinary claims to attention, the question has there assumed a political complexion. It is hardly necessary to say, that the French people, unlike ourselves, who are accus-

tomed to consider that every enterprise of the sort, no matter how national in its character and importance, can more conveniently be executed through the energies of private speculation than by the instrumentality of the State, have hitherto displayed little aptitude for these and similar undertakings,

and have no objection to consider Government as the most effective agent in their completion.\* When the subject of railroad communication began first to be entertained in a national point of view, it seems indeed to have been proposed that these great works should be accomplished by the joint co-operation of public and private resources. This, it was thought, might be effected either by the Government's coming forward with a direct pecuniary contribution in aid of the private subscription, or by a formal guarantee on its part, insuring the adventurers from all or part of the risk to which they were exposed.

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\* The subjoined letter, addressed by the Minister of Commerce to the Chamber of Commerce at Bordeaux, exemplifies the extent to which the interference of Government is carried in matters which, it is generally thought, may be safely left to the vigilant activity of commercial speculation.

"I am informed by a letter, dated Bombay, October 6, 'that the preparations making for the expedition against Cabul had caused a rise in the price of provisions in that presidency of British India, which was moreover threatened with a famine from the want of rain. Most of the trading houses of Bombay have consequently addressed demands to that effect to England.'

"The same correspondent adds—'Some French vessels might, under those circumstances, undertake a profitable voyage to Bombay. Being fast sailors, they would probably arrive before the English. Their cargoes should consist of brandy, salted meat, flour, and biscuit. The success of their voyage would be proportioned to their speed.'

"I leave it to you, gentlemen, to decide whether it be advisable or not to act on this information, which I have likewise transmitted to the Commercial Chambers of Havre, Rouen, Nantes, and Marseilles.

"MARTIN (Du Nord.)"

Finding, however, eventually, that such a project was open to grave objections, the ministers, on the 15th of February, came down to the Chamber of Deputies with a proposal for a system of railways to be absolutely under the control, and to be executed at the sole expense, of the government. The ministerial scheme, as originally promulgated, was magnificent in the extreme. Five main lines of *route*, radiating from Paris as from a common *centre*, with a diversity of connecting ramifications, were destined to intersect the country. One was to extend itself to the Mediterranean by Lyons and Marseilles; a second to communicate with Belgium and Great Britain; a third would stretch towards the Pyrenees by way of Bordeaux and Bayonne, with a branch to Nantes; a fourth would take its course to Strasburgh; and a fifth would connect Paris with Rouen and Havre. But, at present, these were but airy speculations; the scheme actually communicated to the Chamber embraced but four great lines of road,—three from Paris to Belgium, Havre, and Bordeaux, and a fourth connecting Lyons with Marseilles. Even these were to be but partially carried into effect, in the first instance; the only one which it was proposed to complete immediately, being the Belgian, sarcastically termed, "the family road."

This project, limited as it was, failed to obtain the approbation of the Chamber. M. Berryer moved for a select committee of eighteen, an unusual number, composed of eminent men of every section, and among whom were to be found Duvergier de Hauranne, Jaubert, and De Rémusat; Cordier and

Arago ; Odilon Barrot and Thiers. Their report, drawn up by M. Arago, was unfavourable to the designs of government ; and expressed a preference for private companies, with a view to the regulation of which, it laid down a variety of general rules and conditions.

On the 8th of May, the Government discouraged by M. Arango's report, came forward with a proposition on a still more reduced scale than their former one ; all they now asked for was to be allowed to execute the road to Belgium ; and to carry a line from Lyons to Marseilles. But even this was denied them, and M. Martin (du Nord) the Minister of Public Works, at length brought in six bills for establishing as many private companies on certain lines of secondary importance. Three similar bills were shortly afterwards produced, for the construction of the Hâvre and Orleans roads, with another from Lille to Calais. These schemes received the general sanction of the Chamber ; but the committees, to whom they were respectively referred, insisted on imposing such rigorous and unfavourable conditions on the adventurers that, in many instances the projects were, on that account, abandoned.

On the 7th of April, the grant of service money was debated in the Chamber of Peers. The Duke de Broglie, in supporting the bill, begged that he might not be understood as expressing confidence in the administration. M. Montalivet, on the other hand, declared that, in his opinion, the passing of the bill would amount to a vote of confidence. It passed by a majority of 129 to 22.

One of the most important

measures of the Chamber of Deputies was a bill which passed for the reduction of the five per cent stock. A matter which has for been for some time years past much agitated ; and which, it may be recollected, led to the dissolution of the Duke de Broglie's administration in 1836, and to the elevation of M. Thiers to the presidency of the Council. As early as the beginning of March, a committee favourable to the project had been deputed to examine the proposed bill, and the election of M. Gouin, as their President, and of M. Passy as their secretary, left no doubt as to the probable result of their deliberations. Their report accordingly was quite favourable to an immediate reduction of the interest.\* The ministers, on their part, although they professed to be opposed to the measure, which was known to be unpalatable to the king, and would moreover bear very severely upon many persons of moderate incomes ;

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\* The proposed bill was to the following effect :—

“The Minister of Finance is authorised to substitute for the stock bearing interest at the rate of five per cent. inscribed in the great book of the public debt Rentes bearing 4 francs 30 centimes interest for every 100 francs of capital.

“The owners of five per cent. stock are to be at liberty to choose between the reimbursement at par of their nominal capital, or the conversion into the new Rentes of 4 6-20ths per cent.

“The holders of five per cents. may continue to receive, during six years, the same amount of interest, but at the expiration of that period they will have to submit to a reduction of one franc for every five francs of interest.

“The Minister of Finance must give an account of the execution of this law, in the course of the two first months of next session.”

nevertheless seem to have contrived to let a very general impression prevail, that the passing of the bill would, in reality, give them no great concern.

The debate on this question was opened, on the 17th of April, by M. de Laborde, in a speech dissuasive of the measure. The arguments against the reduction have already been stated in our abstract of the debate on the address; and there seems to have been neither novelty nor interest in the shape in which they were reproduced on the present occasion. Ministers admitted the legality and justice, but denied the present expediency of the measure. Upon this position, all their arguments turned. The discussion, languid and dry as it must have been, was not brought to a close till the 5th of May, when the bill for reducing the interest was carried by a majority of 251 to 145. It authorised the Minister of Finance to substitute for the five per cent. stock inscribed in the great book of the public debt, other stock bearing an inferior rate of interest, either by paying off the existing stock, by issuing a new one, or by an exchange of securities. It was at the same time provided, that the proposed operation should not take place, unless it were attended with an effectual diminution on the interest of the exchanged stock of at least fifty centimes for every five francs stock, and that the nominal capital of the substituted, or new stock should present, in no case, an augmentation of more than twenty per cent. on the sum paid off.

On the 17th of May, died Prince Talleyrand, in his 85th year. An outline of the life of this remarkable man will be found in the second part of our volume.

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We shall not attempt to make any observations on his character, variously estimated as it is. "It is, at present, impossible," said the *Constitutionnel*, "to judge with impartiality a man who participated in such a variety of prodigious events, still awakening so many passions. So vast an existence, commencing almost with the philosophy of the 18th century, and terminating with the revolution, must, of necessity, provoke an infinity both of censure and blame." Another leading journal, (*Courrier Français*) spoke with less forbearance. "The reputation of Talleyrand is not amongst those to which the page of history will add. His own age has done him justice, and posterity, therefore, owes him no reparation. He was gifted with an amazing flexibility of character, and a sagacity which can foresee misfortunes, both of which qualities often supply the place of genius. They, at all events, conducted Talleyrand through revolutions and calamities with greater safety than would have been insured by rectitude of heart and high talent. He quitted life with a calmness that could not have been exceeded by the purest conscience. In his death he preserved all the *impassibility* of his life. He went out of the world like a true courtier, with a flattering speech to the king; and, being like a true diplomatist, engaged in a negotiation with the Pope, with whom, as a constitutional bishop, a married priest, and an excommunicated Catholic, he had many accounts to settle."

These allusions, we believe, refer to the following circumstances. The Prince had, some weeks before his death, been per-

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suaded, perhaps not unreluctantly, to make advances towards the Archbishop of Paris, with a view to a reconciliation with the church. And it was reported, that the Pope was a party to these negotiations. In the mean time, the symptoms of dissolution were rapidly developing themselves, and, a week before his death, the Prince not only received the spiritual ministrations of the Abbe Duhauloup, but consented to draw up a declaration addressed to the Pope and the Archbishop of Paris, embodying his religious sentiments, and confessing his former errors.

On the morning of his death, Prince Talleyrand received a visit from the King, accompanied by Madame Adelaide. Upon their entrance to his chamber, the dying courtier exclaimed, "This is a great day for our house." The King, after a visit of a few moments duration, left the room—it is said, in tears. At about four o'clock in the afternoon, Talleyrand breathed his last, surrounded with something like the pomp and numbers which assembled round Richelieu and Mazarin on a similar occasion. It is understood that he left political memoirs of his life behind him, with instructions that their publication should be delayed for 30 years. His funeral was conducted with great ceremony. Close to the hearse walked Count Molé, M. Pasquier (President of the Chamber of Peers) and the Duke de Broglie, followed by the clergy, the ministers of the crown, the *corps diplomatique*, the peers, deputies, members of the Institute, and a mass of functionaries civil and military. Six of the royal carriages in attendance denoted the

respect paid by the court to the departed statesman.

A new plot against the king's life had been brought to light, at the end of the year 1837, under rather singular circumstances. An individual, by name Hubert, on landing at Boulogne from London, by some accident allowed his pocket-book to remain in the hands of the custom-house officers. Curiosity led to an examination of its contents, which revealed a project of assassination, by means of a new infernal machine. Besides its owner, who was a person of mean condition, the papers found in the pocket-book implicated M. Leproux, a judge of the civil tribunal of Verbins; Mademoiselle Grouvelle, whose father, M. Grouvelle, had been of some note in the annals of the republic, having been, as secretary to the Convention, commissioned to announce to the unfortunate Louis his bloody sentence, and also afterwards, we believe, under the empire, appointed French minister at Copenhagen;\* Steuble, a Swiss machine-maker, and several others. The trial of the conspirators occupied a series of days in the month of May, and terminated in the con-

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\* We subjoin part of a letter written by this lady to a friend, which having fallen into the hands of government, was published by their orders. It was written after her conviction, and is dated 13th July, 1838.

"I am happy to find that you rejoice at my imprisonment; I should not like to exchange it for exile; it is useful for the country and our party that there should be political prisoners, and I among them, for with my evangelical life and principles, I shall kill them, believe me. Let my blood fall on their heads! I recommend to you all those

viction of the principal prisoners ; for the particulars of these proceedings, the reader is referred to the second part of the volume.

The French Government seems to have yet to learn the impolicy of making war upon the press. In the latter days of April, the editor of the *National* was prosecuted at the Court of Assizes for a libel on the Duke of Orleans, and on a charge of inciting the army to revolt. The case against the defendant seems to have been a very clear one\* but the jury thought otherwise, and brought in a verdict

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for whom I feel an affection, and Vassal (an active agent of police) in particular. Now, do not forget him. But abolish the guillotine. The people must only declare the guilty *hors de la loi*. That mode is preferable. Political prosecutions have serious inconveniences in France, that generous country ! Friends, who have courage, are loved. No prosecutions of your enemies. We should not afford them the glory of a triumph. Men of principle are alone entitled to public sympathy. A good decree of outlawry, rapid and terrible in its consequences. Wo to him who is taken ! Happy he who escapes ! To seize on their property, and rear the children of the traitors at the expense of nation is just. The fault of the father should not fall on the sons. General and common education ; such is my wish and such my will.

"No prosecutions, no base prosecutions, nor frequent or numerous. A general sweep ! Let the first stroke do all, be firm and take no note of friends (in the general massacre.) Rather more than less. In order that the country be reassured. Farewell, do not go severe about your work. Farewell. I embrace you. If we are never again to meet, mind—I shall come and pull you by the legs if you forget my enemies, who are likewise yours."

\* After declaring such promotion to be illegal, the article in question proceeds thus : "It becomes the duty of the army to vindicate itself, and to find in its ranks some officer with epaulettes, whether of wool or gold, who will for-

of acquittal. The consequence was that not only the alleged libel, which charged Government with favouritism in the promotion of officers, particularly evinced in the elevation of the Duke of Orleans to the rank of Lieutenant-general, was disseminated throughout France, but it was accompanied by the speeches of counsel, justifying and amplifying the allegations, and by the verdict of the jury confirming the justification. Moreover, the Duke of Orleans, for the first time, was called upon to take his share of the unpopularity which attaches to state prosecutions of the public press. The editor was defended by M. Michel de Bourges who seems to have conducted his case with considerable ingenuity. He designated the system which made generals of stripling princes, as "the tomb of equality."

A discussion of some interest arose in the Chamber of Deputies on the 2nd of June, upon a proposition to grant to Madame de Lipona, the sister of Napoleon and the widow of Murat, an annuity of 100,000*f*. Notwithstanding the brilliant associations which surround this lady's name, rendered still more striking by the destitution in which she was plunged, the grant did not pass without considerable opposition.

On the 6th of June, a great demerally refuse obedience to their generals by mere birth. Whatever may be the influence of Government over courts-martial, none will be found to punish such disobedience, or if it did, the Court of Cassation would annul the sentence ; and the moment it is recognized that an usurped uniform has not the right to command, the Dukes of Nemours, and Orleans will return into the ranks of private life. Let the army but dare, and it will soon shake off this humiliating patronage."



bate on Algiers came on in the Chamber of Deputies. The question before the House was the demand made by Ministers of an extraordinary credit of 18,171,408*f.* for the public service in the North of Africa. Thirty-two Members were expected to speak on this occasion. M. Duvergier de Hauranne opened the discussion in a speech of great length and considerable ability. After complaining that the Government had resigned itself to the ardour of the military, and to the avidity of speculation, he entered upon an historical summary of events. With respect to Constantine, while he admitted the brilliant character of the expedition, he pronounced its consequences to be highly injurious, and expressed his conviction that Ministers were now of a similar opinion. M. de Hauranne then continued, "I have heard many gentlemen on the other side of the question assert, that we ought to found a great and powerful colony in Africa. In the first place, I am surprised to hear of people founding colonies at a time when colonies in general are either expiring or emancipating themselves. But let that pass. Three things are essential to the establishment of a colony, a convenient soil, natives capable of subjugation, and apt colonists."

With regard to the first point, M. de Hauranne remarked, that some years ago, they had been told, that the soil of Africa would produce sugar, coffee, cotton, and other similar produce. What had become of all these promises? Of sugar and indigo no more was heard, but it was believed, that the cultivation of cotton was not altogether a matter, of impossibility. The mul-

berry and the olive might be raised in particular localities. To the cultivation of grain considerable obstacles at present offered themselves which it would require much expense and labour to overcome.

As to the population, it was warlike, brave, hardy, vindictive, patriotic, and fanatical. The system of colonization, which had been pursued, was the remaining point to be considered; and the following was the state of things, as described by M. de Hauranne. The two schemes of civil and military colonization were in constant collision, and mutually defeated each other. The military denounced the civil as chimerical, absurd, impossible; the civil retaliated on the military, by proving it to be dangerous and fatal. One fact was notorious, whoever had been to Africa, returned less "Algerian" than those who staid at home. In the midst of these clashing opinions, ministers maintained a strict neutrality. To them the very word "system" was offensive, they would fain erase it from the language. They took events as they presented themselves, and had so far the good luck to find it answer. But much as M. de Hauranne regretted that they had ever obtained possession of Algiers, he admitted that its retention might be a point of honour. What then did he demand, if it was not entire abandonment of the conquest? That they should in future confine themselves to their existing limits. Accordingly, while he would support a grant for hospitals and barracks, and even for the improvement of the sea-ports, he should most decidedly refuse whatever demands were made under the pretext of extending colonization.

M. Bresson, who had been employed as a Commissioner of the Crown in Africa, was the next Speaker.

He remarked, that the French by becoming the possessors of Constantine, must succeed to Achmet Bey's position as rivals of Abd-el-Kader's power, and it would be therefore necessary to occupy that province by a considerable force. M. Bresson then proceeded to express his sentiments with respect to the treaty of the Tafna.\* That treaty had been much condemned, and it was undeniable, that it had its inconveniences. It had cost France the two places of Blidah and Coléah, which would have greatly contributed to her future security in that quarter; but it had left her more territory than she could colonise in fifty years. It brought her moreover to the foot of the Atlas; further she could not pretend to carry her arms. The treaty then, at all events, met the exigencies of the present time; it was not likely to be of long duration. "It is in vain," exclaimed M. Bresson, in another part of his speech, "that men would frighten us with the dawning power of Abd-El-Kader; in vain, that they evoke in our presence the phantom of an Arab nation. Gentlemen, in Africa, great men found nothing; they are meteors which pass away. We have nothing to fear from an Arab dynasty; that people will soon relapse into their isolated independence. To us belongs the future. All that we have to do at present is to arrest the progress of a power which now menaces our establishments. You are to make your

election whether you will have Ben-Aissa and Achmet as enemies or allies. The former exercises an influence over the Kabaïles, which is not sufficiently estimated; as to the latter, we all know how little we appreciated his power, when we predicted that it would fall with the loss of Constantine."

At this point, M. Bresson experienced considerable interruption, occasioned by M. Michel de Bourges, who demanded to know whether he spoke in his official character? Having declared that he expressed only his personal sentiments, he continued, "in my opinion, we should avail ourselves of Achmet in redressing the balance of the North of Africa. We should re-establish him at Constantine. My views on this subject may be briefly expressed—the occupation of Constantine is a breach of the treaty of the Tafna, or rather the treaty of the Tafna is inconsistent with the retention of that fortress.\*

M. Bresson went on to say, that only one system could succeed in Africa—a mutual co-operation of civil and military agencies. And

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\* The hon. Deputy read the following letter, in the course of his speech.

"Achmet Pacha, to the commander of the French army.

"If you are desirous of re-establishing order, I will consent to whatever you propose. The war which has taken place between us was 'written;' the conquest which you have gained, humbles me not. The King of France is all powerful; he has conquered Algiers, and Grand Cairo. As for me, I have done my duty; a king defending a kingdom. Act the part of those who pardon after conquest, and peace will be durable. But listen not to those who aspire to supply my place; their only wish is to devour your money, as you will see by the event."

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\* See last volume, page 282.

that the main object of France should be, to found there a maritime, surrounded by colonial establishments. The Turks had occupied, that country for 300 years; they fell in a day,—and why? because they had an army without a people. Yet between the Turks and Arabs there existed a community of manners and religion, while between the Arabs and the French there reigned an inextinguishable hatred." (This declaration produced an "explosion" of murmurs from the centre, and a great agitation on the Treasury Bench.) M. Molé rose immediately after M. Bresson, for the purpose of disclaiming any participation in the sentiments which that gentleman had expressed relative to the treaty of the Tafna, and the "inextinguishable hatred of the Arabs;" declarations which M. Molé characterised as indiscreet in the highest degree. He thought, that M. Bresson had spoken with exaggeration of Achmet's power. It was, he proceeded to say, his conviction that their exertions for the settlement of Algiers should not be intermitted; it was a critical moment; an epoch of transition, but the first period, that of conquest had almost passed away; and it would then remain to them to render their new possessions as beneficial as possible. It was a great problem which they had to solve, "we venture to count on your co-operation, continued M. Molé; we do not despair of Africa, there was never less reason for despairing. Never before was our situation so encouraging, and I hope, with your assistance, to improve it still further."

In the course of his speech, M. Molé took occasion to observe, that

the second expedition to Constantine was necessary to efface the disaster of the first. This remark gave great umbrage to Marshal Clausel, who declared in the first place, that no disaster at all had occurred, only a want of success (*insuccès*); and that, moreover, such as it was, it was entirely owing to the government who had refused to supply him with the means of effecting his object.

M. Molé, however, averred that government had only authorised the marshal to undertake the expedition at all, upon the supposition that his existing means were adequate to the purpose.

On the following day, the discussion was renewed; M. Desjoubert, an ardent advocate of abandonment, spoke at great length. He began by tracing the progressive increase of the expense which her African possessions entailed upon France. 10,000 men, at first considered ample for the military service of the colony, had been successively raised to 22,000, to 35,000, and 48,000; and according to General Bugeaud, 100,000 men were really necessary to place the French dominion on a secure footing. With regard to the province of Constantine, he argued, that it could not be said that the French were in possession of it, because they held its capital. Few of the tribes had recognised the Caid appointed by Marshal Vallée, the General-Governor, who in order to cause his authority to be respected, was under the necessity of having recourse to the system of military expeditions, of which four had already taken place without any advantage. Those expeditions had only tended to prove the inveterate hostile disposition of the natives, for in those of Stora and

Merdjezel-Hammar, the Arabs had constantly harassed the columns in their march, killing and wounding a number of men. M. Desjobert proceeded to blame ministers for destroying the power of Achmet Bey,—a mistake they seemed to be now aware of,—if, as he understood, they were labouring to re-establish it, in order to balance that of Abd-el-Kader. He then described the position of the French forces in the different towns of the African coast. In 1837, two-thirds of the army of occupation were not in a condition to take the field, and the number of deaths in the hospitals exceeded 4,500 men, besides many who were thrown overboard in the passage home. When General Damrémont arrived in Bona, there were not 250 men fit for duty, out of a garrison of 780. In 1837, 418 men out of 1,200 died in the hospitals of that town. Every thing, even rations, had to be forwarded from France for the use of the army. The Minister of War had stated, a few days before in the Chamber of Peers, that he had sent hospitals to Algiers which, occupied a space of a league and a half in length. Even wood to build houses had to be imported from France, for there was none in the country, and when the soldiers were marched any distance into the interior, they had to provide themselves with small fagots to cook their provisions.

M. Piscatory complained of the unsatisfactory brevity with which Count Molé had stated the views of the government; he maintained, that the occupation of the provinces of Algiers, Bona, and Oran, should content the French; and that the cultivation of the soil be left to the Arabs. Constantine, however, he was disposed to pre-

serve. In the province of Algiers he should advise the occupation of Medeah; in Oran the power of Abd-el-Kader ought to be watched with great vigilance.

The policy of Government was warmly defended by M. Laurence, after which the Chamber adjourned.

On the following day (8th June), General Bugeaud, who had negotiated the treaty of the Tafna with Abd-el-Kader, rose to defend that measure. After some remarks on its general policy, he observed that last year M. Mauguin had accused him of compromising the dignity of France in some of the circumstances which attended the execution of the treaty. He would therefore relate to them what took place on that occasion. Having mentioned the circumstances under which, as is recorded in our last volume, he had pushed, on attended by only his staff, far in advance of his escort, he proceeded as follows. "Suddenly I found myself enveloped by a cloud of Arab horsemen; I had them in front, in rear, to the right, to the left; they issued on all sides. Some officers said, 'General, you are on the point of being compromised, you had better retire.'" 'No,' I replied, 'it is too late, we must show yonder fellows a noble confidence. We must advance towards them.' At the same time, I put my horse into a gallop. (applause.) I reached Abd-el-Kader, and invited him to dismount, which he did, and we began to converse. Abd-el-Kader replied by monosyllables, in the manner of the Arabs, for they do not make long speeches; they have not that French defect. Our conversation lasted about forty minutes. When I had said all, I rose, and he re-

mained seated ; I fancied that this act of his implied a certain assumption of superiority, so I desired my interpreter to say, that, when a French general rose, he (Abd-el-Kader) ought to get up likewise. My interpreter had scarcely translated my words, than I took Abd-el-Kader by the hand, and raised him from the ground (applause.) I shall be glad to know, if on this occasion I compromised the dignity of France."

"Algiers," continued the gallant general, "is a fatal present; the difficulties of a war in Africa are enormous. You put the Arabs to flight—very well—but what do they leave behind them? an empty space; nothing, not even a hovel to shelter your sick; an empty space. What then does victory bestow upon you? Liberty to over-run a vast surface of territory without meeting a soul. Happy if you find a drop of water; happier still if that drop of water be not brackish. A campaign must never last more than from thirty-eight to forty days. Even for such an expedition you must load the soldier with ten days provisions. The use of artillery in the service is much vaunted. Cannon keeps the Arabs at a distance, people say; cannon diminishes the number of the wounded, Gentlemen, it is all a mistake. Cannon attracts the Arabs, and multiplies our wounded by reducing us to a defensive warfare. Humanity and justice are suggested as the means whereby the difficulties of settling the affairs of Africa may be accomplished. But in order to constitute a well-administered government, you must have objects; now the Arabs decline to be those objects; they excuse themselves from your humanity

and your justice. Before fine philanthropic phrases are put in use, it behoves you to settle the military part of the question." Colonization on an extensive scale was what General Bugeaud concluded by recommending under all these difficulties.

M. Guizot followed the general, advocating a limited occupation of the African territory. M. Jaubert, on this occasion, took a different view from his leader. After ridiculing nearly all his predecessors in the debate, in a good-humoured vein of sarcasm, he unfolded his own system. He proposed that Algiers, and its district should be occupied; and that the remaining points within the French territory should be interdicted to the other European powers. (Ironical cheers.) This, with respect to Bona and Oran, would amount to "a sort of eventuality of war." But directly any other power challenged the right of France to issue such a prohibition, a menace of war would be implied, to which an answer would be required from France. "And then," continued M. Jaubert, "Gentlemen, the question would be cleared up. (Here the entire Chamber was convulsed with laughter.) We should then emerge from our present vague and uncertain situation; and, for my part, if any thing could attach me to our African possessions, it would be a threat of war from a foreign power.

M. Berryer, in his usual brilliant and animated manner, advocated an extensive occupation. He condemned the treaty of the Tafna, as having thrown too much power into the hands of Abd-el-Kader. Of England, the leader of the Legitimist party, spoke with his accustomed bitterness, and ha-



ving read a passage from a speech of Sir Robert Peel's, complaining, that "France had spoken and acted, as if she meant to keep permanent possession of Algiers, contrary to this declaration of Louis Philippe," he exclaimed, "see what an opinion is produced amongst our neighbours by the incessant contradictions of Ministers! A firm and strong will is required to destroy the odious hopes of our enemies, of our neighbours." M. Berryer no sooner descended from the Tribune, than M. Molé sprung towards it. "There are words," he said "which must not pass without reply; replies which must not be delayed till to-morrow. God forbid, that I should stand here to trample on fallen greatness, but when attempts are made to exalt the merit of the exploits of the restoration in Africa, at the expense of what we are now effecting, it is proper that you should listen to the entire truth. The restoration consulted its allies on the disposal of its conquest. It did not stop there, it treated at Constantinople for the abandonment of Algiers in consideration of certain commercial advantages. We, on the other hand, have consulted no one on our course, nor has any of our allies thought of interfering with our concerns for a moment. From the Cabinet of London, I have the most amicable explanations; it has always told us, that within the limits of the Regency of Algiers it had no question to ask." The debate was then adjourned.

On the following day (9th of June), M. Passy, in a speech of no great interest, entered into a prospective statement of the difficulties which yet awaited France

in her African colony. He predicted a general European war, at no distant period, and advised France to prepare for it by evacuating Algiers in favour of the Sublime Porte. He was followed by M. Mauguin who attacked the Ministers for their vacillating and uncertain policy. Did they mean to retain Algiers, or did they not? It was their duty to acquaint the Chamber with their intentions in this respect.

M. Montalivet asserted, that Sir Robert Peel's expressions as quoted by M. Berryer, had been designedly misrepresented. They occurred in a debate concerning the treaties between Russia and Turkey, and their true purport was to this effect, that France had promised to respect existing treaties, and as Algiers belonged to Turkey, by retaining possession of that country, she had violated her treaties.

On a division, the Ministerial proposition was carried by a majority of 208 to 94.

On the 11th of June, a warm and disorderly debate took place on the army estimates. The elevation of the Dukes of Orleans and Nemours to the rank of generals was indignantly alluded to by M. Mauguin and General Demarçay, and the uproar thereby occasioned was only terminated by an appeal of M. Molé to the good taste and discretion of the Chamber. Amongst other items, 110,084,682f. (4,400,000*l.*), were voted for the pay and maintenance of an army of 319,348 men and 63,000 horses. The committee of the budget had, at first, proposed to reduce this force by 3,500 men, but the project was abandoned in consideration of the uncertain state of the relations between Belgium and Hol-



land. It may be observed, that the war establishment of France was fixed by Marshal Soult, when Minister, at 500,000 men.

One of the items of these estimates consisted of 24,000*f.*, for religious purposes in the army. An amendment for cutting it down to 4,000*f.* (160*l.*), was rejected on the somewhat equivocal ground, that during the last three years, no more than from 1,000*f.* to 1,200*f.* (40*l.* to 48*l.*) had been expended on that object. In the meanwhile, considerable interest was excited by a debate on the staff of the army, which came on in the Chamber of Peers, on the 12th of June. The views of the Crown and the Chamber of Deputies did not harmonize in this matter, and the original proposition of Ministers had been materially modified by the Chamber; when the bill, however, made its appearance in the Chamber of Peers, it was found, that Ministers had taken care to accompany the measure, as amended in the Deputies, by their own scheme in the shape originally submitted to the Legislature. So that, in fact, there were two distinct and rival bills brought under consideration. A preliminary objection was taken to this course, which, it was contended, was irregular and unconstitutional. The main points at issue between the Government and the Chamber of Deputies, seem to have been the following. The former contended for twelve marshals in peace as well as in war; the latter proposed to reduce the peace establishment of Marshals to six. The former again reserved the privilege of retaining general officers on the list for active service (*cadre d'activité*) or of excluding them at pleasure; the latter not only expressly determined the

age under which no general officer could be relegated to the *cadre de reserve*, but also that after which none could be continued on the *cadre d'activité*.

With regard to the last mentioned point, General Colbert opposed the scheme of the Chamber of Deputies. It would be fatal, he argued, to the army by arresting emulation and paralyzing zeal. Baron Charles Dupin followed, and began by drawing some refined distinctions between the various rules applicable to the different forms of Government. Under a republic, or an absolute monarchy, a general officer, he said, ought to be invested with nothing beyond a provisional and transitory command, revokable at pleasure; under a limited Government on the other hand, more regard was due to personal considerations. He then proceeded by a statistical process to show, that, practically, there was no difference between the two propositions respecting the number of Marshals. Had the bill, as passed by the Deputies, been law in 1815, the result would have corresponded with the present state of things. It was impolitic, he added, to require as a qualification for the rank of Marshal, that the candidate should have commanded an army. This rule would have excluded the great Vauban.

The Marquis de la Place, after objecting to the double aspect of the bill, suggested, that it should be entirely rejected, for the purpose of a more mature consideration in the next Session. He thought, that in such a matter, the initiative should be assigned to Government, and he hoped, that, during the recess, such a measure might be framed as would satisfy all parties.

M. Villemain also protested against the form of the bill, and argued, that as soon as the Chamber of Deputies had taken possession of the bill proposed by Ministers the measure belonged to the House; and that, after the amendment had been engrafted, the first bill became a nonentity. He then gave his support to the provisions of the amended bill.

Here Baron Pasquier (the President) who, it was alleged, had deviated from his duty, in permitting the bill in its present form to come before the Chamber, entered into details to show, that the Government in presenting a bill to one Chamber, after it had passed the other, must not be considered as bound to adopt all the amendments that may have been made in its passage through the latter. This was designated by M. Villemain as a "constitutional heresy." Government had an initiative, he admitted, but having once made its election, it was not at liberty to deal at pleasure with bills on their passage from one chamber to the other.

Marshal Soult was of opinion that the only substantial proposal before the Chamber was the bill of the Deputies. The Government bill, he declared, was only collateral, and amounted to no more than an intimation of their views; but the measure sent up from the other Chamber, being repugnant to the King's prerogative, he should, on that ground alone, vote for its rejection.

Another "constitutional heresy" was broached by M. Mounier, the reporter of the Committee on the bill. His report had contained these words:—"The King has not acquiesced in the amendments of the Deputies." M. Mounier defended this passage. According

to him, the bill had been, in the first instance, presented in the name of the King; the ministers objected to the amendments. It followed then that the King had not adopted them. This logic, however, was not palatable to the majority of his hearers. The Duke de Broglie maintained that they had nothing to do with the King's personal opinion in the matter. They could only acknowledge "one official text," namely, the bill which had arrived from the other Chamber.

The first article was then put from the chair, limiting, 1st, the number of Marshals to six in peace, and twelve in war; 2nd, the rank to be conferred on none but Lieutenant-generals who had commanded in chief an army composed of several divisions. To the first paragraph of this article, an amendment was proposed and carried by Count d'Ambrugeac, importing, that in peace the list of Marshals should, when necessary, be reduced to the proper number by leaving vacancies unsupplied, as they occurred, allowing nevertheless a promotion on every third vacancy. The second paragraph was rejected.

On the next day (13th June), the Chamber agreed to a clause which provided, 1st, that Lieutenant-generals and *Maréchaux de camp* should form a list divided into two sections; the first section, comprising those ready for active service, was to consist of 80 Lieutenant-generals, and 160 *Maréchaux de camp*. The second section contained the reserve, and embraced all the general officers not contained in the former. The next clause fixed 65 as the age at which Lieutenant-generals, and 62 as that at which *Maréchaux de camp* should

be admissible to the *cadre de reserve*, with a proviso that the period for active service should not be extended by royal ordinance beyond the age of 68 for the former, and 65 for the latter of the two grades. This proviso, however, was only carried by a majority of 67 to 65. General Bernard, Minister of War, then proposed to affix the words "unless by a royal decision, founded on the report of the Minister of War." But this amendment with difficulty found even a seconder, and did not meet with a single assenting voice, with that exception.

Ministers made one more struggle. They demanded a ballot on the *ensemble* of the article, although foreign to the practice of the Chamber on such an occasion. But even this equivocal resource failed them, and they were beaten by 89 to 59 secret votes.

On the 16th and 18th, the debate was prosecuted with increased animation. After a long and warm discussion, the following clause was put from the chair:—"In future, no general officer shall be admitted to the retired list, (*a la retraite*), by reason of length of service, but only at his own request. This proposition was aimed at the power of *shelving* obnoxious officers, at present enjoyed by the Crown, and being zealously opposed by ministers and their friends, was rejected by a majority of 88 to 67; a decision which seems to have involved the Chamber in an absurdity. After previously determining that no general officer should be placed on the reserve until the age of 65 or 62, as the case might be, it left a discretionary power with the Crown to place him on the retired list (*retraite*) after 30 years of

service, a punishment which had been inflicted upon M. de Lauriston, (as he himself complained) at the early age of 46, on political grounds. The whole proceeding indeed, is characteristic of the *bas-cule* system, so attractive to those who now govern France. Half of the law was directed to protect general officers, while the other half went to maintain, in its integrity, the power of the executive. A ministry may not punish an officer by a temporary relegation to the reserve, but he can annihilate his professional prospects, by sinking him at pleasure to the *retraite*. It is worthy of remark, that the last vote was taken by way of ballot.

On the 19th of June, the Chamber of Peers confirmed the vote of the other Chamber (100,000*fr.* annually) in favour of the Countess of Lipona, ex-Queen of Naples. This was followed by another important discussion, on the reduction of the 5 per cents. The committee, to whom the bill, as sent up by the Deputies, had been consigned, had elected M. Roy for their reporter, who produced a statement altogether adverse to the measure. The debate was opened by M. d'Audiffret, who, without denying its principle, opposed the measure as inopportune. He contended that, in accordance with the practice of England and Prussia, no reduction should take place before the stock proposed to be substituted was as near par as possible. He also thought that such a measure should emanate from the Crown.

M. d'Argout followed on the other side, and remarked, that, strange to say, France, the country in which the principle of such

operations was first asserted, was also the first in which its application had been resisted. Nearly all the states of Europe had taken similar means of exonerating themselves. M. d'Argout then entered into an able argument on the political, financial, and commercial expediency of the measure. He was followed by M. Humann in a very luminous speech, who cited a most imposing array of authorities in support of the measure—the Roman law; Montesquieu, Sully, Turgot, Colbert; the successive administrations of the 13th of March, the 11th of October, the 22nd of February, the 6th of September, and even the present government. M. Mérilhou opposed the reduction of the *rentes* as illegal and harsh. The Minister of Finance (Lacave-Laplagne) defended its legality, although he thought it, at the time, inconvenient.

At this period of the discussion, the debate was interrupted by M. Barthe, the keeper of the seals, with a message from the crown, directing the Peers to constitute themselves, without delay, a court of justice, for the purpose of trying M. Armand Laity, ex-lieutenant of artillery, and one of the Strasburgh prisoners of the last year, for the publication of a seditious pamphlet, entitled, “Prince Napoleon at Strasburgh—an historical relation of the events of the 30th of October, 1836.”

The debate on the *rentes* was protracted through the 22nd, 23rd, and 25th, though with no great diversity of argument, and terminated in the rejection of the bill by a large majority, to the apparent satisfaction of ministers.

The Chamber of Deputies, meanwhile, were preparing for

the close of the session. On the 13th June, the supplies for the ensuing year were voted, amounting to 1,063,653,116f. (42,500,000*l.* and upwards) besides a vote for credit for extraordinary or supplemental purposes.

The institution of proceedings in the Chamber of Peers against Lieutenant Laity seems to have excited a lively surprise in Paris. This officer, as has just been stated, had published a pamphlet relative to the Strasburgh affair containing passages of a seditious character. Instead, however, of proceeding against the offender before the ordinary tribunals, Ministers had recourse to the laws of September, 1835, which gave the Chamber of Peers jurisdiction in cases of high treason and the like. And, accordingly, M. Laity's ephemeral and flighty publication was designated as an attempt against the security of the state, and as such, brought within the action of those unpopular laws; and the Chamber of Peers, was called upon, for the first time since their enactment, to assume the jurisdiction thereby created. The trial came on on the 9th of July. The prisoner was defended by M. Michel (de Bourges). The Chamber having heard a long speech from the prisoner in his defence, and another from his Counsel, declared, that the charge was established, and condemned M. Laity to five years imprisonment, to a fine of 10,000*f.* and to the perpetual *surveillance* of the Police, being the minimum of the punishment awarded by the laws of September.

M. Laity is a young man of five and twenty, and of considerable ability, if we may judge from the speech which he delivered on

this occasion, though it was otherwise calculated to aggravate his offence.

This trial gave occasion to another also connected with the press, and founded on the laws of September. The *Temps* journal presumed to publish, though in vague and general terms, some account of the proceedings of the secret committee of the Peers in which the preliminary questions of competency &c. had been discussed. The case was heard before the tribunal of correctional police, and in the issue M. Coste, the *gérant* of the paper, was condemned to a month's imprisonment and to a penalty of 500f.

The Legislative Session was brought to a close about the middle of July. The "three glorious days," of that month, were celebrated in the usual manner. Some seditious harangues superadded to the garlands, which, according to custom, were deposited on the graves of the victims at the Louvre, led to a scuffle with the police. A few arrests took place, followed of course by a series of domiciliary visits, and by a seizure of gunpowder and bullets at suspected houses. Amongst others, who were subjected to the intrusion of the police on this occasion, was the celebrated Abbé de Laménais, author of the *paroles d'un croyant*, but nothing was found to compromise him.

Towards the close of the summer, a singular incident was brought to light, calculated to occasion a great scandal in the diplomatic circles of the capital. It seems, that M. Fabricius, the Dutch Minister at the court of the Tuilleries had suborned a person of the name of Chaltas to furnish him with copies of state papers, surreptitiously obtained from the

Foreign-office. Chaltas, however, who seems to have been a most accomplished knave, forged documents for the occasion, as they were required, and palmed them upon the Dutch diplomatist as genuine. The papers so presented, professed to relate principally to the dispute between Holland and Belgium, and being diligently transmitted to the courts of the northern powers, as revealing the projects and policy of the French Government, had the very natural effect of embarrassing the pending negotiations, by placing the contracting parties at cross purposes, the result of which was a sort of general mystification. The French Government having received information which led to the arrest of Chaltas, found amongst his papers direct evidence to implicate M. Fabricius. M. Molé instantly sent for that diplomatist, and by producing all the proofs of this concern in the transaction, constrained him to admit the charge. The French Minister, of course, lost no time in despatching a courier to the Hague, to demand the recall of M. Fabricius, who, at the same time, received orders to be ready to quit Paris, as soon as the reply to that despatch should arrive. Proceedings were instituted against Chaltas, but it was ultimately found convenient to abandon them, and the matter dropped with the removal of M. Fabricius from his post.

A misunderstanding, which had for some time prevailed between France and the state of Tripoli, was this summer brought to a close, and a treaty signed, whereby the Dey engaged to write a letter to the French Admiral begging his most Christian Majesty "to accept



his humble excuses for the circumstances which had compelled the French Consul-general to quit his post." Amongst other similar concessions, he renounced the right of taking the merchant ships even of an enemy in time of war, engaged not to augment his navy, of which a schedule was annexed to the treaty; abolished the slavery of christians in his states; and stipulated to pay 800,000f. as a feeble proportion of the expense of the expedition which the Emperor of the French was obliged to employ against him." Throughout this instrument Louis-Philippe is styled Emperor.

On the 24th of August, the Duchess of Orleans was delivered of a son, thus adding a new generation to the dynasty of July, and affording a fresh hope of its permanence. The event was hailed with the usual manifestations of joy. The young Prince received the title of the Count of Paris. The municipality of the capital were no sooner apprised of his birth, than they assembled for the purpose of framing a complimentary address. A sword was moreover voted to the royal infant, in allusion to which, the Prefect of the Seine, on presenting the congratulations of the civic body, remarked, "This sword, in the intention of the municipal body, is not to recal the idea of that of Charlemagne, or of that of Napoleon. To the spirit of conquest has succeeded that of order and liberty, which your reign causes us to love and esteem. Allow us, Sire, to say, that it is a sword similar to that of Louis Phillippe, which we now bring to his grandson, that is to say, the sword which comes forth from its scabbard, only for

the defence of the land and its institutions, the sword of the Prince who knows at one and the same time how to make himself respected in Europe, and to consolidate in France the reign of liberty and law."

Much interest was excited, about this time, by the trial of General Brossard before a court martial at Perpignon on charges of venality and peculation in Africa, preferred against him by General Bugeaud. In the process, disclosures were elicited of a very disgraceful character. Without entirely clearing himself, General Brossard seems to have retaliated upon his accuser, who, in the opinion of the public, was held to have made the worst figure of the two.

At the beginning of Autumn, the French Government became once more engaged in an undignified and ineffectual struggle with the Swiss confederation. The subject of this new quarrel was the young Prince, Louis Buonaparte; who had hardly landed on the shores of the other hemisphere, than he retraced his course to Europe, and re-established himself in his former quarters at Arenenberg in Switzerland, where he had resided previous to his attempted *coup de main* at Strasburgh. The expulsion of this young man from the territories of the confederation was peremptorily demanded by the French Government, through the medium of the Duke de Montebello, who notwithstanding his deserved unpopularity with the Swiss, continued to represent France in that country.\* The

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\* This nobleman was recalled after the arrangement of the dispute, being replaced by Baron Mortier, and himself appointed ambassador at Naples.



details of the protracted and unbecoming controversy which followed, will more conveniently come under notice in treating of the affairs of Switzerland.

In the preceding volume, we mentioned, that a misunderstanding had arisen between France and Mexico ; nor were the relations of the former country with the other South American states, and particularly Buenos Ayres, on a much better footing. An expedition sailed from France in the Autumn destined to reduce the Mexicans to obedience, and to add a few more to the florid bulletins of French military history.

Considerable difficulty is still experienced by the French Government in their attempts to adjust the rival pretensions of indigenous and colonial sugar. The question which they had to solve may be stated in the words of a French ministerial journalist. "The cabinet has decided in favour of a reduction of one-third, i. e. 16f. 50 centimes per 100 kiligrammes in the import duty on colonial sugar, and on the levying of a duty of 15f. 60 cents on the beet-root produce. Thus the sugar extracted from the cane, which is now superseded in the national markets by the domestic article, will re-appear in them, since the privilege enjoyed by the latter will be reduced 33f. per 100 kiligrammes, and yet the existence of the domestic manufactures will not be menaced.

"The Cabinet acquired that conviction from the solemn discussion of the Superior Board of Trade, a discussion prepared by long and impartial administrative and parliamentary investigations, which had demonstrated the exact costs of the metropolitan and colonial

productions. It must needs be evident, that a branch of industry, protected by a difference in the duty of 16f. 50c. per 100 kiligrammes, and by the expense of freight will be able to compete with a distant production, the growth of an almost exhausted soil. The beet-root culture and manufacture receive daily some wonderful improvements, while the colonial remains stationary. The former appears destined to possess, for an almost indefinite period of time, the monopoly of mechanical and chemical discovery, whilst the colonial industry, practised by Slaves, seems doomed to employ, for many years to come, the rudest and least effective implements. The Government attaches immense importance to the rescue of the colonies from inevitable ruin. It is not only because they are peopled by men happy, and proud of being Frenchmen, nor for the sole sake of the eternal principles of justice, that the Government acts thus. It is because the honour of our flag, the external power of the country, and its defence are at stake. 'The day, that France shall cease to have colonies, she must cease to have a navy.' A political economist, we fear, would see little to admire in this reasoning.

Some uneasiness seems to have been, at one time, excited by a clamour for electoral reform and an extended suffrage, which at the instigation of the Opposition press, began to be heard amongst the ranks of the National Guard. A petition to that effect was put into circulation, and obtained numerous signatures, but farther than that, the exertions of the reformers seem to have produced no visible effect. A squabble between the

Colonel of the National Guard of Metz and the mayor led to the dissolution of the force in that city ; a strong measure, as coming from a feeble Government, but in which all parties patiently acquiesced. On the other hand, in the case of M. Lerminier, which, it may be just worth while to notice, as illustrative of the state of parties, the Government acted with less resolution. M. Lerminier, a man of letters, who had long been in the practice of devoting his pen to the republican cause, suddenly withdrew from his party, and carried his services into the opposite camp, where he advocated the cause of Ministers with great activity. He was also a professor of the " history of comparative legislation," at the college of France, and had been, for six years, in the habit of delivering lectures at that institution. But when, after his abandonment of his party, he, for the first time, presented himself to his audience, he met with so rude a reception from his assembled pupils, that he was glad to flee, amidst a storm of execration, and followed by a shower of snow-balls and copper coins. The Government, far from interposing their authority in favour of their new ally, issued an order suspending his lectures provisionally.

The death of General Lobau, left vacant the post of commander of the national Guard of Paris. It was eventually conferred upon Marshal Gérard. The Duke de Fitzjames also died at the end of the year.

As the year drew to a close, it became evident, that the Molé government must fall, and that at no distant period.

On the two most important questions of the late Session, the

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conversion of the *rentes* and the railroads, they had sustained regular defeats ; nor was the result of the discussion on the staff of the army much more satisfactory. Perhaps, the only vote of the year to which they could resort as an indication of their parliamentary influence, was the grant of secret service money. In those contests of a secondary, but not the less significant character, the nominations of committees, they had been almost invariably unsuccessful. But the future was no less menacing, than the past was discouraging. Three parties embracing nearly all the parliamentary talent, and up to the time of their portentous coalition, nearly all the parliamentary character of the country, had marshalled themselves into a compact alliance ; the sole, but sufficient bond of union being their blind and implacable determination to effect at all hazards the overthrow of the Molé Cabinet. For this, and for this only, M. Guizot offered his hand to M. Odilon Barrot and M. Thiers forgave M. Guizot. Meanwhile the press resounded with notes of preparation. Feebleness, corruption, and subserviency to the Crown, were the charges advanced against the cabinet ; the latter being probably that in which the opposition was really in earnest. But the progress of this remarkable struggle will afford matter for our ensuing volume.

It should be mentioned, that, in the course of the year, a treaty was executed between France and the republic of Hayti ; by which the former recognized the independence of the latter, receiving in a series of instalments, 60,000,000*f.* by way of indemnity for losses incurred by French subjects.

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## CHAPTER XX.

SPAIN:—*Ofalia Administration—M. Mon's Account of the Financial state of the Kingdom—Debate in Chamber of Deputies concerning the conduct of the War—M. Toreno's Speech—M. Martinez de la Rosa's Reply to Calatrava—General Caratala becomes Minister of War—Claim of the Infant Don Francisco to a Seat in the Senate rejected—He quits Spain—Espartero's Proclamation—New Carlist Expedition under Basilio Garcia—Passes the Ebro—Followed by Ulibarri, who is superseded by Pardinaz—Garcia defeated by Sanz and Pardinaz at Baeza—Distinctions conferred on the victorious Generals—Garcia reaches Letur in Murcia, and then begins to retire—Defeat and Capture of the Carlist Tallada—He is put to Death—Intercepted Letter of Garcia—Flinter defeats Garcia at Val De Penas—Garcia retires into the Toledo Mountains—Carlist Expedition under Count Negri—Cabrera and Forcadell in Arragon and Valencia—Capture of Morella by Cabrera—Cabanero's temporary occupation of Saragossa—Negri defeated by Latre at Liebana—Latre appointed Minister of War—Progress of Negri—Encounters Espartero, and is defeated—Appearance of Muniagorri, the Fuerist Chief—His Design—Retires to Bayonne—Collects a Force at Sure—State of Parties at the Court and Camp of Don Carlos—Basilio Garcia arrives in Soria—Mutiny of the Navarrese in the Carlist Service—Carlos quits Estella—Execution of M. Barriarti—Marotto joins Don Carlos—Battle of Penecerrada, and defeat of Carlists by Espartero—Marotto supersedes Guergue in the command—Oraa prepares to besiege Morella—His Failure before that Place—Espartero quarrels with Ministers—Breaks up from before Estella, and re-passes the Ebro—His Proclamation—Battle of Morella, and defeat and death of Pardinaz—Cabrera murders his Cavalry Prisoners—Horrible System of Reprisals at Valencia, Murcia, and Saragossa—Cortes—New Loan—Prorogation of the Chambers—Resignation of Ministry—Cabinet of the Duke de Frias—Address of the Provincial Deputation and Municipality to the Queen—State of Affairs at Madrid—Opening of the Session—Queen's Speech—Election of Sessional Officers in the Chamber of Deputies—Committee on the Address—Debates—Resignation of the*

*New Cabinet—Convention of the Prime Ministers—Speech of M. Valgonera in the Deputies—General Narvaez—Espartero's Letter to the Queen—Cordova and Narvaez establish an Insurrectionary Junta at Seville—Termination of their Revolt—New Cabinet—Proposed Commercial Alterations—Muniagorri crosses the Bidassoa—State of the War at the close of the Year—Van Halen's Proclamation—PORTUGAL:—State of the Finances.—Projects in the Cortes for National Bankruptcy—Loan offered by the Lisbon Bank and Mercantile Association—Insurrection in the Streets of Lisbon—Inauguration of the New Constitution—Close of the Session—Amnesty—Promotions—New Cabinet—Another Street Riot—Miguelite Guerillas—Remechido—His Capture and Death—General Elections—Birth of a Prince—Duke of Terceira restored to his office of President of the Supreme Military Court.*

**T**HE Ofalia administration did not, from the beginning, wear a promise of permanency. Count Ofalia, a statesman of the old school, found himself associated with colleagues who had taken their views from a later order of things, but who, at the same time, were divided amongst themselves by every shade of opinion. At the beginning of the year, the proceedings of the legislature seem to have been destitute of interest. Just before the close of 1837, M. Camaleno, in the Chamber of Deputies, called upon M. Mon, the Minister of Finance, to lay before the house a statement of the amount of taxes paid by the different provinces of the monarchy, and of the resources possessed by government for the prosecution of the war. To this the minister replied, that in ordinary times he should have afforded the returns in question with the greatest readiness; but in the present state of things he could furnish no explanation which would not be distressing to the country, without remedying the evils under which it laboured. The greatest disorder existed in the department to which the collection and management of the taxes was consigned,

and it was the intention of Government to present a bill to the Cortes, with a view to the establishment of an equitable and regular apportionment of taxation throughout the provinces. With respect to the resources at the disposal of government, M. Mon observed, that the supplementary grant of 500,000,000 reals voted to the late ministers had been almost entirely paid in paper money, and that it was proposed to cover the deficiency with the proceeds of the war tax imposed on Cuba and Porto Rico, and of the sale of monastic property in those islands. He concluded by assuring the Chamber, that when he came to discuss the budget, which would soon be ready, he should propose various means of creating new resources.

Meanwhile, Espartero had intimated his resolution not to accept the office of minister of war, which, in the first instance, he seems to have been disposed to undertake. The conduct of the war came formally under discussion in the Chamber of Deputies, on a motion of M. Huelves, relative to the disturbed state of the province of Toledo. The debate presented little novelty. M. Ca-

ballero repeated the threadbare accusation, that the distracted condition of the country was owing to the lenity of government towards the rebels, and to their mismanagement of the army. The same gentleman demanded to know from ministers, whether any negotiations were on foot with the rebel Prince? M. Mon, in reply, declared, that the cabinet had no intention of treating with the Carlists.

In the course of the discussion, M. de Toreno delivered a speech which seems to have been ill received. He entered into an analysis of the resources of government. They had 200,000 men in pay, a force which, if it could be rendered thoroughly effective, would be sufficient to bring the war to a termination. The adoption of extraordinary means to raise money had been recommended in the debate. But ministers, he said, were at liberty to resort to none but the usual administrative measures, and it lay with the Cortes to place others at their disposal, if necessary. He could not agree with General San Miguel, who had declared, that the present war should end in the extermination of the conquered party; on the contrary, all such contests must, he thought, eventually be terminated by arrangement.

It appears, that this part of M. Toreno's speech was received with loud murmurs, particularly from the auditory in the public galleries. But he proceeded boldly, remarking, that he never concealed his sentiments; and he asked if any man was so extravagant as to maintain that the civil war was to be suppressed by the extermination of the entire population of the rebellious provinces,

containing, as they did, so many citizens devoted to the Queen's cause. Compromise and oblivion—such, he said, ought to be the basis on which Isabella's throne should rest. M. de Toreno then went on to advocate the principle of foreign intervention, and quoted history to prove, that many flourishing states had been indebted to foreign aid for their independence. He did not think that the co-operation of France could be relied upon, but the Ministry might urge her Government to afford the succour which the quadruple treaty clearly bound her to furnish.

The Madrid journals of the 14th of January contained an able paper from the pen of M. Martinez de la Rosa, in reply to certain remarks which M. Calatrava had made upon the speech made by the former in the Cortes on the address at the opening of the session. The drift of M. de la Rosa's reasoning was to shew, that France was in reality bound by the quadruple treaty and its additional articles to afford succour to Spain. He maintained, that the French Government had contracted the explicit obligation of co-operating, under specified circumstances, reserving, however, to itself the right of fixing both the time and the mode in which it should take place; and that, so conscious had France shewn herself to be of that obligation, that, in the spring of 1836, a body of troops had been assembled at Paris; while, independently of that corps, it had been further intended to collect upon the frontiers an army of between 20,000 and 30,000 men. He also referred, in support of his proposition, to the services of Colonel Conrad and the French

legion, and to General Lebeau's proclamation, on taking the command of that force, on the 13th of August, 1836, which announced the arrival of various reinforcements; but owing to the deplorable events which occurred at Malaga, and elsewhere, France had altered her resolution, and deemed it necessary to suspend the execution of her plan. The Government of that country could not, in fact, in common prudence, enter upon [such an undertaking, at a moment when Spain was in a state of such confusion, that it was doubtful whether a government of any kind could be said to exist.

The Minister of Finance shortly afterwards came down to the Cortes with a new plan for organising and keeping on foot 40,000 men of the new levy, by raising the extraordinary war contributions from 400,000,000 to 600,000,000 reals. On the 31st of January a bill for that object passed, with the full concurrence of the opposition.

M. Espinosa del Solar, who had given little satisfaction in the war department, having resigned, was succeeded in that arduous and thankless office by General Caratala.

The Infante don Francisco de Paula, who had attached himself to the *Exaltado* party, having claimed a seat in the senate by virtue of the 20th article of the new constitution,\* his pretensions were negatived in that assembly by the slender majority of forty-one to thirty-nine. This prince, who was in disgrace at court, subsequently

quitted Spain, and proceeded to France with his family.

Espartero, who certainly seems to have a strong hold upon the affections of his army, addressed his troops in a proclamation, which at least shewed his undissembled contempt of the puny cabinet at Madrid. In this document, which was dated the 2nd of March, he informed the army, that, ever since the preceding September, he had not ceased to address vain entreaties to Government for the means of paying the arrears of officers and men, as well as for supplies of clothing and provisions. But his applications having been attended with no effect, he had been most reluctantly compelled to resort to violent measures for maintaining his troops, and had been under the necessity of ordering to be conveyed, as prisoners, to his head-quarters such intendants of the provinces as had refused to furnish the provisions demanded of them for the service of the army. As he found it in vain to address himself to the Government, he had only one course left, to apply directly to the National Congress, and to lay before the Legislature the critical situation in which he was placed. Such a proclamation, coming from the only powerful general in their service, struck the Ministers with dismay. Nevertheless they ventured to reply to his attack, and inserted in the *Gazette* a return, shewing that, within a short period, they had forwarded to Espartero a sum of 3,500,000 reals in specie, 60,000 pairs of shoes, 17,000 pairs of trowsers, and 30,000 shirts, and that moreover they had recently concluded very advantageous contract the regular supply of 75,

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\* "The sons of the king, and the immediate heir to the throne, are senators of right, at the age of twenty-five."



rations daily to the army of the north.

The Carlists were less successful, as well as less enterprising, during this, than in the two previous years. Cabrera, indeed, may be considered to have established himself indefinitely in Arragon and Valencia, and the bands of partisans allowed no respite to the distracted provinces, but of those flying expeditions, which with such wonderful swiftness traverse Spain from one extremity to the other, and fill Europe with astonishment, we have little in the present volume to record. A good deal of anxiety, however, was produced, and no little trouble given to the Queen's generals, by a strong column of Carlists under Basilio Garcia, which issued from Biscay, and having, with some apparent difficulty, succeeded in crossing the Ebro, entered Castile, and so early as the middle of January had arrived in the environs of Toledo. Here a number of inferior chiefs, such as Palillo, Jara, and Sanchez, contributed their straggling bands, which, however, submitted with a somewhat ill-grace to the discipline which Garcia, in imitation of Cabrera, endeavoured to maintain. The duty of opposing, or rather following, this chief, had in the first instance been consigned to General Ulibarri, who was subsequently superseded, on a charge of incapacity and misconduct, by Pardinás, a gallant and active officer. But such was the state of things, that the latter, being for some time unable to procure an escort to Ulibarri's head-quarters, was compelled to remain at Toledo. And Flinter, who commanded in that city, having no troops to lead against

the enemy, was unable to offer any protection to the province, which was ravaged on all sides with impunity. On the 26th, Basilio was at Alcaez, where he was joined by Tallada. Here the combined force under his command seems to have amounted to about 6,000 men. From hence he entered Andalusia. Between Baeza and Ubeda the Christinos under Sanz and Pardinás came up with his column, and obtained a considerable advantage. But this, like their other successes, had apparently no immediate effect in deranging the plans of the Carlists. Leaving the victorious enemy far in the rear, they crossed the Guadalquivir, and marched into the province of Murcia. Not long afterwards, the Carlists met with another reverse in these parts; the united bands of Jara, Peco, and others, being surprised at day-break, on the 18th of February, by Flinter, as they were marching out of the town of Yébenes, in the province of Toledo. It is probable that, on this occasion, they suffered for their want of discipline and organization, for, although consisting of 2,000 foot and 800 horse, they were miserably routed, without resistance, by the Christinos, who only mustered 600 infantry and 220 cavalry. The nature of the affair may be inferred from the fact, that, while 130 of the Carlists were slain, 349 wounded, and 1,300 taken, Flinter had not even a single man wounded.

On the 20th, the victorious commander made his triumphal entry into Toledo, and received from the authorities of that city, who went out to meet him with an address of congratulation, the title of "Liberator of the Province." Nor

were the Deputies in Madrid backward in their demonstrations of gratitude. On the 22nd, M. Huelves, supported by several members, moved, that the assembly should give a public testimony of its satisfaction to General Flinter and his troops, on account of the important service which he had rendered to the country.

M. Morales suggested, that General Sanz and the corps which had been engaged at Baeza, should be comprised in the resolution, which, with this amendment, passed the House, by a majority of 117 to 1. The Queen Regent, on her part, displayed her gratitude by conferring on Sanz the grand cross of San Fernando, and by raising Flinter to the rank of *mariscal de campo* (major-general).

In the meanwhile Basilio Garcia did not advance beyond Letur in Murcia. At this place, he began to retrace his steps, and seems to have manœuvred for some time on the confines of Castile and Grenada. But reverses began to accumulate upon the Carlists. Tallada, who had separated from Basilio Garcia, was surprised by Pardinas at Castril, his corps utterly routed and dispersed, and himself taken prisoner. He was soon afterwards sentenced to death and executed at Chinchilla in Murcia, by way of retaliation for his own sanguinary treatment of prisoners. At this time, an intercepted bulletin from Basilio Garcia to the minister of war of Don Carlos appeared in the Madrid journals. It was full of complaints against the cowardly and disorderly conduct of the Arragonese troops; the battalion of La Mancha was stigmatised as no better than robbers, who were disgrac-

ing the cause of "the best of kings." And it concluded by declaring that the writer preferred death, to continuing longer in the command of miscreants who had neither creed nor king.

On the 14th of March, Flinter came up with Basilio Garcia at Val de Penas, in New Castile. The Carlists were entrenched in the streets in number 4,000 infantry and 800 cavalry. According to his own statement, Flinter's own force did not amount to more than half that of the enemy; he attacked them, however, without hesitation, and after a furious combat of five hours duration, the Carlists were driven out of the town. Flinter did not think it advisable to pursue them until reinforcements, which he was daily expecting, should come up to him. Basilio Garcia now hurried northwards, with a view to effect the passage of the Tagus, followed by Flinter and Pardinas. On the 27th, he appeared before Ciudad Real, without however venturing to attack it. Shortly afterwards, Madrid was dismayed to hear that he was in possession of Almaden, with its famous quicksilver mines, which constitute the only element of credit remaining with the Queen's government; but he seems to have failed, through extreme haste, in his endeavour to destroy the works of the mines, and having evacuated the town, retired into the mountains of Toledo, where he remained for some time, harrassing the surrounding country, and levying heavy contributions.

While Basilio Garcia was carrying on the war with so little success in Castile and Grenada, another expedition, which before the end of January, had been dis-

patched from Navarre under the command of Count Negri, was making its way into the interior. During all this time, Espartero preserved his habitual inactivity. The occasional detachment of a corps on some particular service, or the performance of a few eccentric operations terminating in no military result whatever, were the only symptoms of enterprise exhibited by this powerful chief, during the earlier months of the year. On the other hand, Cabrera, supported by Forcadell, was acting in Arragon and Valencia, with his characteristic vigour and address. Nor did he and his lieutenants confine their enterprise to the land. Having equipped a few large boats for the purpose, they infested the sea-board, spreading terror through the smaller ports, and capturing such coasting craft as fell in their way. In February, the Christinos were dismayed to learn that Morella, a place of some consideration in Valencia, had fallen into the hands of Cabrera, having been, it is said, delivered up to him by treachery. Here he found, what he much wanted, artillery and a large quantity of military stores. Oraa, unable to cope with his formidable adversary at the moment, retired into the city of Valencia.

A rather singular incident occurred at Saragossa. At day break on the 4th of March, that city was entered by a party of Carlists under the command of Cabanero, who occupied the principal points, and after remaining twenty-four hours in possession, retired, carrying with them a good many prisoners. The populace of Saragossa, upon the withdrawal of their formidable visitors, lost no time in getting up a massacre—a service in which

the people of modern Spain are, at least, as expert as in more generous methods of warfare — and upon this occasion, General Estellar, the deputy commander of the province, with some other gentlemen, fell a victim to the mob. Cabanero, it seems, treated the prisoners, whom he had taken out of Saragossa, with unwonted humanity, and a few days afterwards, exchanged them for such of his own party as had been left behind in Saragossa, after he had evacuated it. This *coup de main* of Cabanero on Saragossa, is said to have been premature. It was intended that he should have delayed his operations until a larger force than his own, should have been brought up to support his attack. But it appears that he became impatient, and though he managed to carry the city by surprise, was unable to maintain his ground within its walls.

Count Negri's column, consisting exclusively of Castilians, did not cross the Ebro, till the 15th of March. Its course was then directed towards the Asturias with great rapidity, with a view, apparently, of penetrating by a circuitous route amongst the mountains into the interior, and thereby eluding the divisions of Latre and Buerens who were awaiting its approach in the plains of Old Castile. But on the 21st of March, Negri encountered Latre at Lirbana, in the defiles of the Sierra Salvás. The Carlists were strongly entrenched, and were only dislodged after seven hours hard fighting. Both sides sustained great loss. Latre, who was himself wounded, shortly afterwards resigned his command to General Fermin de Iriarte, and betook himself to Madrid, where

he had been appointed to the post of minister of war.

Notwithstanding this check, Negri advanced as far as Segovia, which he entered on the 6th of April, making however no attempt upon the Alcazar, which, it may be remembered, had fallen into the hands of the Carlists in the preceding year. At Segovia, he turned to the northward. After presenting himself to no purpose before the walls of Valladolid, and sustaining a partial defeat at the hands of Iriate, at Salices, he hastened his retrograde march with all possible diligence towards the mountains of the north. But, notwithstanding his exertions, he was intercepted by Espartero in person, between Burgos and Brieviesca, who seems to have given him a very rough encounter, though he could not prevent him from making good his retreat into the Sierra of Burgos.

About this time, a new personage made his appearance in the north of Spain, who, however personally insignificant, for a moment, promised to afford a powerful diversion in favour of the opponents of Don Carlos. One Murragaray, or Muniagorri, as he was called in the north, a wealthy iron-master, young, enterprising, and with a character for talent in his own *coterie*, undertook the bold design of founding a new party, which should serve as a sort of middle term between the narrow absolutism of Don Carlos and the sweeping reforms of the Christinos. He proclaimed himself the champion of the *fueros* and free privileges of the Basque provinces and Navarre; but he repudiated the claims of Don Carlos as inseparably connected with a state of civil war. His general project

may be best understood from the proclamation which he issued, and which we subjoin in the note.\* But the appeals of Muniagorri found little echo in the breast of his countrymen; a few stragglers collected round his banner, but the demonstration was momentary, and, in a week or two, he arrived a fugitive at Bayonne. From hence he betook himself to Sarne, a village on the frontier, where he employed himself in collecting recruits and in keeping up a very active communication with his friends in Spain.

It is remarkable, that at this time, the best and bravest of the chiefs who served Carlos had incurred his displeasure; Zariategui, Urbistondo, Villareal, Eguia, Gomez, Elio, and many others, were in exile, confinement, disgrace, or even under sentence of death. Both in the court and camp the fac-

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\* "During the last five years desolation and death have been hovering over our country. The blood shed in our fields is that of our brave brethren, who, seduced and deceived by intriguers, are fighting for a prince whose rights to the crown of Spain are extremely doubtful. What do you require? What are you contending for? For whom! 'Peace and our privileges'—such ought to be our sole desire. Let the ambitious who covet the throne conquer it by themselves.

"Navarre and the Basque provinces, united by so many ties of friendship, blood, habits, and liberal institutions, are from this day independent. From this moment, we shall no longer be the slaves of wretches, accustomed to command as masters, and to enrich themselves at the expense of the poor.

"To arms! Independence for ever! Peace! Liberty! Obedience to the new authorities!

"The Commander-General and Chief of the Independents.

"MURRAGARAY."

"Verastegui, 1838.

tion of Castile was in the ascendant ; and the gallant Basques and Navarrese were suspected, and perhaps justly, of making his establishment at Madrid, a secondary object to their own independence, wishing rather to concentrate their forces in their native mountains, than to disperse them in exhausting and fool-hardy expeditions into the interior.

Meanwhile, Basilio Garcia still harrassed Toledo and La Mancha. But at length Pardinás succeeded in bringing him to action at Bejar, and defeated him with considerable loss. This seems to have determined Basilio to leave the provinces he had so long oppressed by his presence. Accordingly, with what remained of his column, he hurried in the direction of home, and having eluded the pursuit of Pardinás, had, on the 14th of May, advanced far into the province of Soria, where he effected a junction with Balmaseda.

The discontent of the Navarrese, in the service of Don Carlos, broke out into open mutiny at Estella, his head quarters, on the 10th of May. Their immediate grievance seems to have been the common military one of unliquidated arrears, but they also raised their voices against the Castilians, or *ojalateros*, as they called them, "who devoured the substance of the people." A large body of these soldiers, deaf to the entreaties of their officers, rushed tumultuously to the house where the *junta* held its meetings. Fortunately they only found within, one man to murder. Having dispatched this victim, they burnt the furniture and papers belonging to the assembly in the public square of the town. But the

*junta*, with the usual caution of those bodies, had taken care to escape, and had retired to Albat-zurzu, in the valley of the Bó-runda, whither the alarmed pretender made ready to follow it. However, the opportune arrival of Guergue and other chiefs seems to have quelled the revolt without the occurrence of further mischief.

These events, coupled with the approach of Espartero, determined Don Carlos to quit Estella. Previous to his departure, he ordered M. Barricart, auditor of the war department, to be shot. Zariatigui and Elio seemed to have narrowly escaped the same fate. But, about this time, an individual rejoined the court of Carlos who exercised a powerful influence over the balance of the parties who divided it,—this was Maroto, a good, though severe soldier, who having for some time resided at Bourdeaux, contrived to evade the surveillance of the French police and to make his way across the frontier. His appearance augured well for the Basque party. The army would naturally look to him as their chief, and, backed by the troops, his ascendancy in the councils of Carlos was thought inevitable. That prince, meanwhile, had withdrawn to Tolosa.

Espartero, who had been elevated to the rank of captain general of Spain, a title held by few and corresponding with that of Marshal of France, now made serious preparations for a summer campaign in Navarre and Guipuscoa, where, hitherto, the war had been carried on with little activity on either side. On the 5th of June he was at Pampeluna, with sixteen battalions, 500 horse, and some artillery. Don Carlos then



withdrew from Tolosa to Elorrio. It being apparent that Espartero was projecting an attack upon Penecerrada, Sopelana, acting under the orders of Guergue, marched to defend it with eleven battalions and five squadrons. But the Christino general was already in possession of the town; and, on the 22nd of June, the day after its capture, he advanced against Sopelana, and placing himself at the head of a regiment of hussars, made such a brilliant charge, that he broke and overthrew the enemy with great loss. Guergue was almost immediately afterwards superseded by Marotto in the command of the Carlist forces.

For some time, Oraa had been making great and rather ostentatious preparations for the siege of Morella, which, as we have seen, had been taken by the Carlists early in the year. Cabrera, on the other hand, spared no pains to put that place, as well as Cantavieja, into a state of defence. It was not till the 24th of July that Oraa, having been joined by Pardinas, marched from Teruel, at the head of twenty-three battalions, eleven squadrons, and twenty-five pieces of cannon. A grandiloquent proclamation announced his advance, in which he menaced all who opposed him with the fate of Basilio, Negri, and Tallada. And, indeed, it would appear that the report of strength, and superior equipment of the Christino army, had not failed to dispirit Cabrera's troops. That chief alone remained unshaken, and performed all the duties of a good general, neglecting nothing that could add either to the moral or material strength of the men under his command. Oraa having arrived before Mo-

rella, proceeded forthwith to invest the town; but the want of siege artillery, which did not arrive before the 9th of August, delayed his operations for a week; During that period Cabrera was not idle, and directed several vigorous, though it should seem unsuccessful, attacks against the besieging army. Ultimately, he was compelled, by the superior force of the enemy, to abandon his positions in the environs. The Christino batteries then opened upon the town, and a breach was in due time effected. But the resolution of the garrison remained unshaken; and after two assaults had failed, Oraa was under the humiliating necessity of raising the siege; he, nevertheless, contrived to execute his retreat in good order, and brought off the whole of his artillery and baggage, which he deposited at Monrayo, about five leagues from Morella.

The fall of Morella was an event on which the Christinos had securely calculated, and the intelligence that Oraa had broken up from before it, was received at Madrid with surprise and indignation.

Espartero had, during this time, and apparently in expectation of Oraa's success, been operating in the neighbourhood of Estella. But his enterprise did not extend beyond an occasional demonstration upon the town, which, however, it was understood, he was fully bent on reducing.

The Carlists had concentrated on this point twenty-eight battalions, and the whole of their cavalry and field artillery, they were besides headed by the Pretender in person. Though inferior in



number to the Christinos, they enjoyed an advantage in position, and Marotto showed no indisposition to stand an attack. But Espartero after his victory at Pene-cerrada, had become once more inactive, and, instead of engaging the enemy, turned upon the ministry at Madrid, whither he despatched a letter full of complaints of being constantly thwarted in his operations, and restrained from rendering any essential service to the Queen. He, therefore, demanded a *carte blanche*, and offered the Government the alternative of acquiescing in his pretensions or accepting his resignation. The Government on receiving this despatch, professed to be filled with alarm, and sent off Colonel Allende to entreat their haughty General to abstain from taking any measure which must be fatal to the Queen's cause. For some time Madrid was full of rumours of his resignation, to which the arrival of Van Halen, chief of his staff, at Madrid, gave some colour. However the affair was in due course amicably adjusted, though Espartero afforded soon afterwards a fresh symptom of his independence by refusing to receive Sanz, who was thought to have acquitted himself but ill in his pursuit of Basilio Garcia, in the room of Van Halen.

Espartero, after having been twenty five days before Estella, broke up from his position, and retired to Logrono, cantoning his army along the line of the Ebro. Here he received the tidings of Oraa's failure, which he is said to have listened to with astonishment and confusion. After some empty manifestations of an intention to return to the attack of Estella, where Marotto, we are told, eagerly

awaited his approach, he suddenly, and to the surprise of all parties, moved his division across the Ebro at Lodosa on the 9th of September, and proceeded in the direction of Miranda, leaving 10,000 infantry and 800 cavalry with Alaix and Leon in Navarre. Previous to this humiliating step, he issued a proclamation full of Spanish bombast to his troops assuring them that "the events of Morella had turned the heads of the rebels in Arragon to such a degree as to induce them to send a force to invade Castile." He called upon them, therefore, to follow him to Castile, to fly and snatch a fresh wreath of laurel to adorn their veteran front," and to consent to suspend the fall of Estella for a season.

Although great expectations were entertained of Marotto, the retreat of Espartero left him no opportunity of signalling himself during the remainder of the campaign. Cabrera was the only commander amongst the Carlists who increased his reputation this year. Basilio Garcia, we have seen, seldom encountered an enemy without a defeat, and Negri was glad to escape with a few horsemen into Cabrera's territory. It was destined for Cabrera to revenge the disgraces of these two commanders upon the most formidable of their adversaries — Pardinas. Having combined his own corps with those of Llangostera and Forcadell, he made a forced march of twenty-six hours, and came upon Pardinas, who had no expectation of his approach, at Maella. That general, however, with his characteristic gallantry, was so far from declining battle, that, having made his dispositions, he lost no time in commencing the engagement,

without waiting for the attack of the enemy, who were superior in force ; but a furious charge of the Carlist horse threw one of the Christino battalions into confusion. Pardinás cast himself before the fugitives, and succeeded, for an instant, in rallying them, then, placing himself at the head of a few chasseurs, he attacked the victorious cavalry with such impetuosity, that they were at once driven back to their position. The main body, however, of the division did not advance to support their general, who fell, close to the ranks of the enemy, pierced by two balls. The cavalry made one bold charge to bring off their chief, but, deserted by the infantry, were driven back in disorder by the overpowering force of the Carlists, and a general rout ensued. Nothing could be more complete than this defeat. Out of 4,500 men only 1,500 are said to have escaped leaving their General on the field. Pardinás was interred at Caspe, with the honours due to his rank. Cabrera sullied his victory by butchering in cold blood, under pretence of reprisals, 180 of his cavalry prisoners ; a deed in itself sufficiently horrible, and which gave rise to a system of similar atrocities on both sides.

The victorious Carlists proceeded to lay siege to Caspe, and had actually effected a lodgment in the town, when the approach of Van Halen, on the 18th of October, compelled them to raise the siege, and to retreat on Maella. The tidings of the massacre of the cavalry prisoners at Maella no sooner reached Valencia, than the populace broke out into frenzy, and with tumultuous cries demanded the death of the Carlists confined in the city gaol. The commandant,

Mendez Vigo, made the greatest efforts to allay the fury of the people, and he had already succeeded in dispersing several groupes by his judicious management, when a shot from the crowd laid him dead on the spot. The murderer was seized and executed, but the people did not therefore relent from their savage determination. A junta was appointed, composed of ultra-liberals, and it required the slaughter of fifty-five Carlist prisoners to appease the appetite of the people for blood. The mania for carnage was not confined to Valencia. At Murcia and Alicante similar reprisals took place, and at Saragossa sixty-six Carlist sergeants and corporals were destined to expiate the Maella butchery. But a threat from Cabrera to exterminate the whole of his prisoners in Morella, and Cantavieja suspended their execution.

At Madrid, where the populace shewed a similar disposition, a royal ordinance appeared which required the wives and children of persons in the service of Don Carlos to quit Madrid within eight days, and forbade all correspondence whatever with any individual in the Carlist service on pain of death. By dint of strong military precautions, the authorities of the capital succeeded in preventing bloodshed ; but some alarming riots took place, and the city was long in a disturbed state.

Thirsting still for blood, the Valencians required fresh massacres ; accordingly, twenty-eight additional victims were sacrificed. This only led to reprisals on Cabrera's part. Our reader would not thank us for a record of the monstrous inhumanities practised on both sides. Perhaps the an-

nals of Europe afford nothing precisely similar. Both parties murdered on an arithmetical principle, such as in common warfare regulate exchanges of prisoners. Amongst Cabrera's victims was a brother of M. Mon, ex-minister of finance, and aide-de-camp to Pardinas.

At this time an event occurred, which might have been expected to exercise an humanizing effect on the councils and the court of Carlos. The princess of Beira, the sister of Don Miguel, widow of the Pretender's brother Pedro, and mother of the infant Don Sebastian, traversed France without molestation, either eluding the police, or with their connivance, and made her appearance in the Carlist head quarters. It seems that Carlos was already affianced to his sister-in-law, having obtained a dispensation to that effect from the Pope; it only remained that their nuptials should be publicly solemnized, and they were married at Azcoitia in October; about the end of that month Negri and Basilio Garcia returned to Tolosa. Muniagorri having collected a band of about 1200 men on the frontier, marched from his quarters at Sarre, on the 5th of November, with the intention of crossing the frontier at Valcarlos. But M. Aguirre, the Christino commander of the fort at that pass, refused to permit him to enter the Spanish territory, until he had received orders to that effect from his superiors. Muniagorri, therefore, had no alternative, but to wait in the neighbourhood of St. Jean pied de Port, until General Espartero's instructions arrived. Jauregui (El Pastor) accompanied the "Fue-rist" chief on this expedition,

and directed his military operations.

The battle of Maella seems to have been the last military event of importance that occurred before the close of the year. It must not be forgotten that the Guerrilla warfare was incessantly prosecuted in almost every part of Spain; and indeed it is probable that the country suffered less, when the various bands were collected into one expeditionary column, preserving at least a semblance of discipline, than when, as must have been the case during the year, they were left to straggle over the provinces with no other object than plunder and bloodshed.

The proceedings of the Cortes and the ministers at Madrid now require some notice. In the month of March, the minister of Finance announced to the Chamber of Deputies, that he had succeeded in negotiating a loan of 500,000,000 reals (5,000,000*l.*) which it was proposed to apply exclusively to the military expenses of the state: it being intended that the clear produce of the mines of Almaden, together with the greater portion of the taxes and receipts of Spain, and the islands, should be, in the first instance, appropriated to pay the interest and to provide a sinking fund for the capital. M. Aguado, in connexion with M. Toreno, was understood to be the contractor of the new loan, which, after much debating, the Chamber of Deputies authorized by a bill, which subsequently obtained the sanction of the senate.

It certainly seems very extraordinary, that a state so hopelessly bankrupt as Spain, should have met with a capitalist sanguine, or credulous enough to advance money to meet its necessities; and it is

not surprising that M. Aguado, though somewhat late, should have betrayed misgivings in this respect; yet it was not until the Cortes had formally authorized the loan, that he withdrew his offer, and announced that no money would be forthcoming on his part. There was possibly some intrigue on foot in this matter. M. Mendizabal not only opposed the loan-bill in the chamber, but was accused of being very instrumental in bringing about the ultimate failure of the negotiation with M. Aguado. This he was alleged to have done by divulging certain secrets of state connected with proposals for a loan tendered by that financier in the preceding year, and which M. Mendizabal, then minister, had rejected. For some time, the expediency of bringing M. Mendizabal to public trial upon this charge, is stated to have been under consideration. Ministers obtained an important success in the Chamber of Deputies in the beginning of June. That assembly, after a long debate, voted the continuance of the whole amount of tithe, theretofore levied, by a majority of ninety-three to sixty-four.

The legislative session, which seems to have been marked by few features of any general interest, was closed, on the 17th of July, by the Queen Regent, in a speech, of which the following is an extract:—

“I thank you,” said her Majesty to the Cortes, “for the different supplies you have granted my Government, in order to fulfil the weighty obligations with which it is burthened, for the confidence you evinced towards it in the course of the session, and the powers with which you invested

it, for the sake of facilitating its action in the different branches of the administration. Your constant co-operation has powerfully contributed to maintain public order, and to hasten the conclusion of the civil war. The uninterrupted victories gained by our intrepid army, the efficacious assistance of the fleet, the noble efforts of the brave national militia, the good sense and resignation of the people, notwithstanding their privations and heavy sacrifices, indicate, as well as the dissensions which lately manifested themselves in the ranks of the rebel army, that the day of the pacification of the kingdom is not far remote. In the meantime, and until that moment so earnestly desired shall have arrived, my Government will not suffer to escape any occasion of hastening the realization of my anxious wishes, which are those of the nation.”

The ceremony of prorogation passed off without any incident of importance, or manifestation of popular feeling.

But the Government was tottering from its own inherent feebleness, combined with the immense difficulties of its position. Two of the members of the cabinet, the ministers of finance and justice (M. Mon and M. Castro) were personally disliked by Espartero, who peremptorily insisted on their exclusion, as the condition of his own retention of the command. But the disaster at Morella sealed their fate; and, in the first days of September, they were driven from office as much by their own unpopularity, as by the machinations of Espartero. At the head of the cabinet which succeeded them was the Duke de

Frias, who took the office of Foreign Secretary; Don Domingo Ruis de la Vega, and the Marquess of Montevirgen, were appointed to the departments of Justice and Finance: the Home-office was allotted to the Marquess Valgonera; General Aldama was named Secretary at War; and *ad interim* to the Marine.

The late administration, however feeble in its composition, had not been backward in strong measures. These were generally, indeed, attended with little effect, and often altogether unavailing, but still prosecutions of the press, political arrests and trials, and a frequent recurrence to the declaration of martial law attested their disposition to vigour, and as such were, of course, calculated to displease the *Exaltado* party. The sentiments of this faction were more plainly than respectfully expressed by the address which was presented to the Queen Regent by the provincial deputation headed by M. Ossa. In order to terminate the civil war, nothing more was necessary, according to this document, than that the nation should rely on itself solely, and its own resources; the addressers, therefore, recommended a close union between the Queen's adherents and the friends of liberty. The arbitrary system of punishment adopted towards the patriots (and they instanced in particular, transportation to distant colonies) ought, in their opinion, to be discontinued at once and for ever. The government, they insisted, should be intrusted to men of talent and energy; but, above all, of morality and probity. Despotism had become for ever impossible in Spain; but were that mode of governing the country

possible, it was Carlos, and not Isabella, who should be called upon to exercise it. The people, they said, were the best friends of kings; and they reminded her Majesty, that without the people, her royal husband would have ended his days in the prison of Valençay.

The Queen's reply to his address was dignified, but pronounced in a voice of deep concern. "I wish sincerely the happiness of Spain. I shall place your address in the hands of my responsible ministers, who will take it into consideration."

By appointing Van Halen to the command of the army of the centre, the new cabinet might have hoped to propitiate Espartero, and to throw out a signal of amity to the *Exaltados*. But their main reliance seems to have been on Narvaez, who having for some time been restored to favour, had, for the greater part of the year, been employed in organizing a very fine division in Andalusia and La Mancha, under the name of the army of Reserve. To this officer they looked for protection against the fierceness of the democratic leaders; and, at their desire, he fixed his head quarters within a day's march of the capital, leaving the surrounding provinces a prey to the *Guerillas*. Among the appointments and promotions which marked the accession of a new administration, we may mention, that O'Donnell was made viceroy of Navarre, and was succeeded in his command in Guipuscoa by Jauregui (*el Pastor*). Latre and Van Halen received the Grand Cross of the Order of Charles 3rd, and Alaix succeeded the latter as chief of Espartero's staff. It should seem, that the



house of Rothschild, notwithstanding the breach of faith on the part of government with respect to the Almaden mines in the preceding year,\* had been again tempted to advance money on the security of that same property. But the terms were understood to be excessively advantageous to the contractors. In the meantime, the finance department was actively employed in an endeavour to negotiate the new loan in England. But the unfavourable turn the war had taken was severely felt by the new administration. On the 19th of Sept., just after they came into power, Alaix sustained a severe check from Garcia, in the Carrascal, and this news was followed by the fatal tidings of the rout at Maella, and the death of Pardinas. The reader will form an idea of the effect of intelligence of this character upon the ferocious population of a Spanish town, when it is stated, that on the night after the defeat of Pardinas became known at Madrid, no member of the late or present administrations deemed it prudent to sleep at his own residence. This event seems to have led to a still further modification of the ministry; Rivera, who had succeeded Aldama at the War-office, made way in his turn for Alaix; and M. Ponzoa, under-secretary of state for the interior, was appointed to the Marine, in the room of M. Canas. In the absence of Alaix, who had been wounded in his engagement with Garcia, the management of the War-office was consigned to General Valentin Ferrar.† Nar-

vaz, for whom the captain-generalship of Castile was intended originally, was compelled to relinquish his pretensions to that office, by reason of the opposition of Espartero, who was his personal and bitter enemy.

But it soon became apparent, that the new ministry could not be of many month's duration at the furthest. We have already adverted to the disturbances which alarmed the capital for several days, as soon as Cabrera's massacre of his prisoners at Maella became known. Quiroga, the captain-general, found it necessary to proclaim the city in a state of siege, and that measure seems to have had the effect of restoring comparative tranquillity. But furthermore, the captain-general considered it to be a part of his duty to convoke an assembly of the Provincial deputation, the municipality of Madrid, and the commanders of the National Guard, with a view to obtain their

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conclusive in themselves, may be of some value occasionally, as expressing the opinion of a large section of readers.

It is, therefore, not inapposite to our purpose to cite the subjoined observations on the ministry from a Spanish print. "The nation required a ministry of action, a strong and vigorous administration. The new cabinet is far from realizing those demands and meets with universal disapprobation. The ministry of M. de Frias, however, deserves praise, inasmuch as it is not animated with a spirit of persecution against those, who do not partake of its opinions; and it possesses more nobleness and probity, and is actuated by less political rancour than the last cabinet. But in order to direct, at present, the affairs of the state, something besides honourable sentiments and intentions is requisite. The appointment of General Alaix, in particular, is highly impolitic."

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\* Vol. lxxix. 317.

† The comments of a newspaper on the merits of public men, however in-

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opinion upon the present posture of affairs. As was to be expected, they came to the unanimous conclusion, that an immediate change of ministry was required by the circumstances of the country; and they deputed Quiroga and General Seoane to make known their wishes to the Queen-Regent. The hostile attitude thus assumed by Quiroga, had the effect of paralyzing the government; and though a standing Court Martial was assembled, it was found impossible to lay hands on the demagogues and rioters who were to furnish it with occupation. Arrests indeed were made unsparingly; but they fell almost wholly on the Carlist party, 250 of whom were committed to the Castle of Leganes, ready to be sacrificed, at any moment the mob might be strong enough to command a massacre. During the whole of this period, the capital is described as being in constant alarm; and although an imposing display of military force served to repress the turbulence of the mob; no man knew how long this specious appearance of public order might continue, and discouragement, distrust, and terror became the prevailing sentiments amongst all classes, and in almost every political party.

It was under these depressing circumstances, that the Cortes re-assembled, on the 8th of November. The Queen-Regent and her daughter on this occasion seem to have been well received. The former having ascended the throne, addressed the assemblage, amidst profound silence. After assuring them, that the Quadruple treaty remained in force; she said, that knowing the enemy received succour from powers, who had not

recognised her daughter's right to the throne, she had instructed her representatives at the allied courts to claim their formal mediation to prevent a repetition of such violations of the law of nations. She announced, that the Sublime Porte had recognised her daughter as Queen, and "her heart was peculiarly gratified by the part which her powerful ally, the Queen of Great Britain, took in the success of that negotiation."

After a passing remark on the disaster at Morella, and the new levy of 40,000 men for the reserve; she informed them that it would be necessary to complete various important laws, which it was found impossible to pass during the last session. In particular, she recommended to their care the bill for defining the powers and attributes of the municipal bodies, and provincial deputations, as well as those relative to public instruction, and charitable institutions. The regulation of the press, and the better organization of the National Guard would also deserve their especial consideration. Means would be taken for placing the navy on a more efficient footing, and for equipping the ships now in ordinary.

"Trade," continued her Majesty, "experiences evils which are the consequence of the situation of the country. It is extremely urgent to introduce into the code now in force, the changes which experience has shown to be necessary. My Government will lay you before a bill to that effect, and at a later period, submit to your deliberation a new commercial code."

"Our transatlantic provinces continue to enjoy the most perfect

tranquillity, and I receive every fresh pledge of loyalty from their inhabitants. The committees appointed in those provinces for the purpose of drawing up the special laws by which they are hereafter to be governed, agreeably to the constitution, are prosecuting their labours with a praiseworthy assiduity.

“ My Government, having been authorised to effect several important ameliorations in the administration of justice, directs and accelerates with that view the execution of the works already commenced ; and, although those works could not, from their nature, be as yet completed, the measures most urgently required by the state of affairs in the transition from one system of legislation to another have been adopted after mature consideration. My Government will take care to communicate in due time to the Cortes the result of its deliberations on the reforms to be introduced into this branch of the administration, which has been of late the object of its constant attention.

“ The public revenues become daily more inadequate to the expenditure ; and the extraordinary resources, which the last legislature so generously granted my Government to cover the existing deficit, it has been found impossible yet to realise. My Government has been incessantly occupied in devising means to surmount those difficulties.

“ In addition to the general budget of the state, those of our American provinces will be submitted to you for the first time, and my Government, in its solicitude, will propose to you the extraordinary means it will

consider practicable to provide for the public expenditure, which the former revenues were insufficient to cover.

“ Immediately after the different works now in progress for improving as much as possible the condition of the national and foreign holders of our securities shall have been terminated, they will be submitted to your examination. It is only by restoring public credit that we can find the means that are absolutely necessary for the expenditure of the state, and especially to administer to the wants of that valiant army which contends with so much glory for that noble cause defended by the nation, and I trust this will be the principal object of your solicitude in the present session. It is under the standard of my august daughter, Isabella 2nd, that is to be found the safety of the constitutional throne. Let us save it, and with the assistance of Divine Providence let us hasten to place under her banner the olive-branch of peace, the only symbol of our future prosperity.”

The Queen is described as having read this speech in a faint and faltering voice. And assuredly she must have felt, all the time, the seeming mockery of the language, and been conscious the large and vigorous measures she announced, could have no existence but on the paper which she held in her hand.

The first proceedings of the two Chambers took a turn very favourable to ministers. M. Isturitz, to the great annoyance of the *Exaltados*, was elected President of the Chamber of Deputies, having obtained sixty-eight votes to fifty-five, the number given to

M. Zumalacarregui, the candidate of the minority. The opposition indeed failed in returning from their ranks a single officer of the House; and, in none of these contests, mustered more than from thirty to forty votes, whilst the ministerial majority amounted to sixty or seventy. M. M. Martinez de la Rosa, Seaone, Arrazola, Rey, Olozaga, Puche, and Calameno, formed the committee to prepare the address. And the House intimated it to be their opinion, that it would be the duty of the committee to call the Queen-Regent's attention to the system of reprisals, the events at Valentia, and the banishment of the Carlist families from Madrid; topics which it will have been seen, were not even alluded to in the speech from the throne.

On the 14th, M. Martin brought the state of the province of Toledo under the consideration of the Chamber of Deputies. There, the Queen's Government no longer exercised any authority. This state of things, according to the speaker, was wholly to be attributed to the ministry, who had kept the army of reserve in Madrid, instead of marching them to the assistance of the suffering people of Toledo.

The Duke de Frias said, that other provinces were in no better situation than that of Toledo; that Catalonia in particular stood in need of reinforcements; and that if each deputy were to consider as paramount to all other, the particular claims of his own constituents to protection, there would be no end of discussion. General Narvaez had been ordered into Castile subsequently to the defeat of Alaix, one third of his army having been left in La Mancha, under General Noguerras.

At that time, Balmaseda was menacing Castile, and Espartero's attention was attracted by a diversion elsewhere.

M. Valdez said, that, within six leagues of the capital, the banditti had formed a government, and, under the form of law, collected tithe and taxes. The conduct of Ministers in retaining the army of Narvaez at the gates of Madrid was also severely criticised by M. las Navas. The Minister of the Interior (Valgonera), replied, that when he and his colleagues undertook the Government, the capital was menaced by the enemy. The successive defeats of Alaix and Pardinas had made it necessary, that a strong body of troops should cover Madrid, which would otherwise be at the mercy of Cabrera. If the troops had been detained there longer than was strictly necessary, it was owing to the incomplete state of their equipments, and from no desire on the part of Government to prolong their inactivity.

At the same sitting, the draught of the proposed address was produced. Though framed in a moderate tone, it was considered as unfavourable to Ministers. It remarked, that the treaty of the quadruple alliance had not produced all the advantages which had been anticipated. It was, therefore, necessary to rely solely on their domestic resources, and the patriotism of the country. The intervention and good offices of Great Britain in obtaining the recognition of Queen Isabella by the Ottoman Porte was acknowledged with gratitude.

On the 16th, M. Arguelles spoke for three hours on the address. He was answered by the Duke de

Frias, who seems to have expressed an opinion, that the quadruple treaty was, from its terms, by no means of stringent obligation on the parties. M. Martinez de la Rosa contended, in reply to M. Arguelles, that the King of the French had given too many proofs of his regard for constitutional Spain to admit of a moment's doubt of his desire for its well being. The discussion was resumed on the 17th, when the Minister of Justice (de la Vega) dropped an admission, which was much noticed, that the Government found itself completely paralyzed by the conflicting claims of Espartero and Narvaez, which we are presently about to notice.

A violent discussion subsequently took place. General Seane brought forward a requisition, signed by twenty-three Deputies, which demanded, that all contracts concluded by Government, whether with Spaniards or foreigners, the salaries of public officers, and the whole details of the financial administration, should be submitted to a special committee. The General, with his usual impetuosity, denounced as "bloodsuckers" the 1,500 or 2,000 functionaries who were spread over the kingdom, and said, that he intended, at no remote period, to draw up a regular accusation against the plunderers of the public purse, signalizing among these Count Toreno in particular, whom he should be very glad to see in his place, and who, he observed, would do well if, instead of enjoying himself at Paris, he would come and justify his conduct at Madrid. The General's main complaint against Toreno was founded on the quicksilver contract mentioned in the last volume. He

concluded his speech in the following strain :—"I care not whether we have a black or white ministry; but what I do wish to see is, one capable of vigorous measures; and I have no hesitation in declaring, that if Government means to do justice, a third of the *employés* will be hanged, and a fourth will go to the gallies, and there will then be plenty of leeches left." The requisition was referred for examination to the standing committee of the House. At the same sitting, General Seane inveighed with the greatest violence against the French Government for not executing faithfully its portion of the quadruple treaty.

On the 18th, the Duke de Frias made a speech, in which he defended his policy with great power and eloquence against M. de las Navas, one of his most violent adversaries. "M. las Navas," said the Duke, "has paid me some compliments, which I am far from deserving, on the frankness of my explanations yesterday, but he added, that the royal speech is couched in the language of fear. Now, in my opinion, that speech is such as befits a Parliamentary Government and the actual circumstances of the kingdom; and I must take leave to remark, that there is a wide difference between the situation of a minister and a mere deputy. The latter has merely to follow the impulse of his heart and his patriotism, but the former must never take his hand from the helm; he must never forget that he is minister. In speaking, therefore, of the quadruple alliance, the minister cannot use the language of the deputy. He may know, he may deplore, the full extent of existing

evils, but he must not come down to this House to blazon them abroad. Nothing can exceed the mischief which may spring from imprudent disclosures; and I must entreat the House, that they will not extort them from members of the Government. I may here," continued the Duke, "advert to another passage of the Count de las Navas' speech. He said something about religious schism. For my own part, I am of opinion, that it is our duty to combat the rebels with the arms which religion affords us, and never to abandon those pious sentiments with which the Spaniards of old marched from Cavadonga to Grenada. With faith it was that we conquered Mexico; for faith we waged the war of independence; and as soon as that sentiment begins to wane in our souls, the cause of freedom is lost. Its most solid support is religion. There was a time when freedom was thought impious, anarchical, and repugnant to monarchy; but that time has gone by. I cannot conclude," he added, "without entreating the Count las Navas to be more forbearing in his expressions towards the church of Rome, a caution which, as a true believer, as well as in my capacity of a Spanish statesman, I conceive it to be my duty to give."

In the same debate, the Minister of Justice, M. Ruiz de la Vega, provoked a general uproar, by observing, that "the evils which afflicted the country were not the work of men, but of circumstances;" that "other men could do no better than his colleagues and himself;" and "that there was no practical remedy but in the suspension of those constitutional forms with which it was impossible to govern." These ex-

pressions excited the lively indignation of the opposition; the incautious orator was called to order, and, after a vehement reprimand from M. Olozaga, was compelled to make an apology to the house.

The following evening the Ministers tendered their resignations in a body. The Queen accepted them, with the exception of that of the Duke de Frias, with whom she was unwilling to part. The Duke, charged with the reconstruction of the Ministry, resorted to a singular expedient. He convoked a council of all who had been prime ministers since 1834; M. M. Martinez de la Rosa, Mendizabel, Isturitz, Calatrava, Bardaxi, and Ofalia, were accordingly assembled. The first question proposed to this select conclave was—shall the Ministry be changed? This was speedily answered in the affirmative. But the next—shall the whole Cabinet retire, or must the President retain his office? was one beyond their united wisdom to settle.

On the 20th, the discussion on the address was resumed. The Minister of the Interior (Valgo-nera), speaking of France and the Quadruple treaty, remarked, that many facts had been mentioned to prove, that France had not fulfilled her part of the engagements stipulated in that treaty. He thought, on the contrary, that France had adhered to the letter of the treaty, by which she was bound to intercept all communications along the frontier, and to prevent the entrance of men, arms, and ammunition for the Pretender; that she had actually prohibited the importation of horses and provisions, as the remonstrances of the commercial chamber of Bayonne clearly proved, and that, during the last

session, the Chamber of Deputies had considerably augmented the supplies, to enable the authorities to reinforce the customs line along the Pyrenees. Smuggling, he admitted, was carried on to a great extent, and the vigilance of the French authorities had been often defeated, but it should not be inferred, therefore, that France did not execute the treaty. In his capacity of councillor of the Crown, of deputy, and a good Spaniard, he felt bound to declare, that the treaty had been advantageous to his country. He next condemned these continual recriminations against a friendly power, as calculated to alienate allies, without whose aid Spain could not extricate herself from her present difficulties. He denied, that, if abandoned to her own resources, she could achieve her emancipation, and recapitulated all the sacrifices she had already made with that object, and to no purpose. The Minister then vindicated the conduct of Government in ordering the dissolution of the juntas of reprisals of Valencia, Murcia, and Alicant, and allowing only the one of Saragossa to remain in operation, because the latter had proceeded regularly, and with the sanction of the Captain-General, who alone ought to be competent to decide on the guilt and punishment of the factious. He next proceeded to justify the decree of banishment from the capital of Carlist families, and admitted, that if the Ministry had not been able to place itself above all parties, it was because it wanted that strength which the frank and energetic support of the national representation could alone impart to it. The preceeding Administrations had met with a similar

fate, and for the same cause, although several of their members were men of courage, talent, and reputation. The approbation of the Legislature, on the other hand, was not alone sufficient, for several Cabinets had succumbed who commanded a compact majority in the Chambers. The fortune of arms was a favourable element for a Government, but unfortunately it too much depended on chance. There was another, indicated by Messrs. Olozaga and Arguelles—the union of parties, which, indeed, were divided by a slight barrier, one party wishing to progress slowly, while the other were desirous to proceed with extreme rapidity. “Why, then,” exclaimed the Minister, “not unite, since the end was the same? Whatever may be the political opinion of the men called to power, if obliged to employ a portion of their strength to overcome a party, they will be unable to make head against the common enemy. We must not forget, that we have a sufficient force to conquer the factious, but for that purpose we must combine our efforts. I know, that a complete fusion is impracticable, but why should not the heads unite together to save the country?”

M. M. Lujan and Lopez both contended, that France had not performed her part of the Quadruple treaty. But they drew a distinction between the French people and their Government.

Some remarkable incidents, which occurred at this period of the year, now require to be noticed. The reader is already familiar with the name of Narvaez, an aspiring officer, but whose ambition would appear to be unwisely impatient of the preliminary stages



to advancement. Yet, if any man could be justified in believing himself to be destined to achieve greatness on a sudden, it was perhaps, Narvaez, who, in the course of a couple of years, and without any corresponding performance on his own part, found himself elevated from the condition of an obscure brigadier to a situation which provoked Espartero to acknowledge, and to hate, him as a rival. In the last volume,\* we witnessed the ineffectual attempts of a ministry to disgrace him, but under the Ofalia Government his credit with the public arrived at such a pitch, that, at an early period of 1838, the entire creation and management of a new army of reserve was confided to him. A task which he is said to have discharged with consummate ability. In a few months, he organized and equipped a brilliant division, which if its temper was not tried in the field, at least excited by its fine appearance the confidence and admiration of the public. But in Espartero, Narvaez had to deal with an unrelenting enemy. Just after the meeting of the Cortes, in November, that general put forth a long manifesto against him in the form of a letter to the Queen, which produced no inconsiderable sensation. The earlier part of this document is dedicated to that eulogium, which no Spaniard of the present day forbears to pronounce on his own virtue, devotion, and exploits, as often as an opportunity presents itself. Having thus, as he says, sacrificed "his natural modesty, in order to prove that the object of the step he was taking, was far from being a cover to ambitious designs;" he

proceeds to review the past career of Narvaez. That general, he urged, when only brigadier, did not choose to remain with his division, and left it—an inconsiderate step, which placed him in inactivity. Espartero, however, thinking that his services ought to be "utilized," obtained employment for him from the Bardaxi ministry. But he had never supposed, that, under the Ofalia ministry, he would be promoted to the rank of Major General, without having performed any service at all, demanding such a distinction. And he had protested against this transaction at the time, although he did not then foresee "that this promotion was only a *guerilla* in advance of the vast project which had since come to his knowledge." No doubt, continued M. Espartero, General Narvaez possessed certain talents and good qualities, but his domineering character would not admit of a superior. When a brigadier, he refused to act in subordination to generals; his sole aim was to get the upper hand, and in council he contrived to maintain an ascendancy over his superiors in rank. "When he was in *cuartel*," (a sort of honourable arrest), continued the letter, "I was desirous of evincing my sentiments of regard, by soliciting that he might be sent to me, with the intention of giving him the command of a division. He found means of avoiding it, and without knowing why, he was promoted to the rank of Major General." The General in Chief then proceeds to combat the policy of constituting an army of reserve on the terms accorded to Narvaez, and he endeavours to demonstrate, that it involves consequences perfectly fatal to the

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\* See 1836, p. 306.

public service; among these, perhaps, the most considerable would be the diversion of supplies, as well as officers, from the army engaged in hard service in the north, to an inactive and luxurious division, lounging about the neighbourhood of the capital. It was found hitherto barely possible, said the General, to support his own veteran troops. For want of supplies, clothing, and shoes, he had been unable to take the field on an extensive scheme of operations, and now he was to see the little that had hitherto reached him, intercepted for the use of these new and gaudy troops. He was glad to hear the encomiums passed on the discipline and appearance of the army of reserve. But he begged to say, that his own troops did not fall short of them in discipline, though they might in brilliancy, if brilliancy consisted in the accoutrements of the soldier, and the uniform of the officer. The reason why men without pay or clothing could not compete in splendour with this fortunate division was obvious enough.

The publication of this letter excited general surprise. It invested Narvaez with an importance in the eyes of Europe, which he had not before possessed, and people began to think that he, whom Espartero openly denounced as his rival, could be no ordinary person. The fortunes of the hero of Luchana, it was predicted, would wane before the star of his aspiring competitor, and men were found who fancied that in Narvaez they had discovered another Cromwell or Napoleon. And for an instant there appeared ground for these surmises.

It was about the middle of November that tidings arrived at Madrid, that an insurrection had

broken out, and a junta been installed at Seville. The two names which figured at the head of this body were well calculated to excite alarm—they were Cordova and Narvaez.

On the 17th, a proclamation was issued by Cordova, in which, amidst a cloud of phrases, such as “honour,” “patriotism,” “virtue,” and “anarchy,” not a single hint respecting his own intentions was discoverable, except so far as he assured the citizens of Seville, that all his proceedings would be directed towards the adoption of “the great, the generous, the wise system,” which could alone accomplish that “union which was the object of their most ardent desires.”

The Duke de Frias, upon learning what had happened at Seville, abandoned all hope of being able to conduct the government; and expressed his desire to be released from his functions as soon as possible. At the same time, a royal order was despatched to Cordova, in which the Queen, after expressing the pain which his conduct had given her, and her hope that she was not appealing in vain to his patriotism and loyalty, commanded him to deliver up the government of the province to Brigadier Sanjuena. General Clonard, meanwhile, the Captain General of Andalusia, who was at Cadiz at the time, took all the measures within his power for preventing the extension of the revolt, and acted with great vigour and resolution.

Notwithstanding these alarming occurrences, the Chamber of Deputies proceeded with its discussions on the Address. A clause declaring that no compromise should be effected with Don Carlos or his family, proposed by M. M. Seaone and Olozaga, v

and carried by eighty-two to twenty-four. After which, the Finance Committee, which had been moved for by the former deputy, as before stated, was unanimously voted.

For a short time, a doubt existed, whether or no, Narvaez, who, it seems, had lately quitted Madrid under circumstances of mystery, would consent to become a party to the design, in which his name had been so conspicuously paraded. But it was soon settled, by his triumphal entry into Seville, followed by his acceptance of Vice-president of the revolutionary junta. A few days more, however, were enough to shew that what had assumed the appearance of a bold and well concerted enterprise against the dictatorial power of Espartero, was in reality, nothing more than a fantastical sally, of a kindred sort to that of Louis Bonaparte at Strasburgh. The insurgent generals seem to have acted without any rational ground for hope of success. They had not even gained over the garrison, which marched out of Seville to place itself under the orders of Clonard who was advancing upon the city; the brilliant army, of which Narvaez was the chief, made no demonstration in his favour; the adjacent provinces exhibited no simultaneous movement, and there was nothing to back the antagonists of Espartero and his veteran army, but the shouts of the populace of Seville. In reply to their invitation to co-operate, General Clonard accused them of treasonable conduct, and declared that all military men who joined them should be most vigorously dealt with. The affair speedily concluded; the first demonstration of a military force

upon Seville was the signal for the dissolution of the junta, and the two generals, as if they had not already made themselves sufficiently ridiculous, issued a fresh proclamation, in which they repelled with scorn the "vile accusations" of General Clonard, and declared that they accepted the entire responsibility of their late acts, and would shortly repair to the bar of the Cortes, there to explain their much misrepresented project, and to refute the calumnies which had assailed them.

This affair having thus terminated, a message from the Crown announced to the Chamber of Deputies, that her Majesty had directed an enquiry to be instituted into the conduct of the two generals. The Chamber, however, thought proper to appoint a committee to determine, whether or no, the Government should be authorized to bring them to justice, a question which was eventually decided in the affirmative, and General Alaix, as Minister of War, sent orders to the offenders to present themselves before General Clonard, who was instructed to bring them before a Court-martial. A mandate which, it will be supposed, they were in no great hurry to obey. Meanwhile the fall of Narvaez in public opinion seems to have been as rapid as his rise; and his career in Spain seems to be closed for, at least, some time to come.

After the Chamber of Deputies had settled the terms of the address, a lively discussion arose on an additional article moved by M. M. Lopez, and Caballero in condemnation of the system that had been pursued by the successive administrations of the last few years. An amendment, moved by General Seaone, calling upon the Queen

to adopt more liberal and energetic measures to terminate the civil war, was carried by 127 to 12. The discussion of the address in the Senate, gave General Oraa an opportunity of delivering a long speech in vindication of his conduct before Morella, and of his military reputation "acquired" as he said, "on 100 fields of battle, and at the price 21 wounds."

During this time, the formation of a new ministry was proceeding slowly. Various combinations were attempted without success, and it was not until the 10th of December, that royal ordinances appeared appointing the following Cabinet: M. Evaristo Perez de Castro, President of the Council, with the Foreign Department; General Alaix, War; M. Pita Pizarro, Finance. M. Hompanera, Interior; M. Arrazola, Justice; and M. Chacon, Marine.

The Ministers met the Deputies with the oft-repeated story, "They were determined to avail themselves of all the means in their power to bring the war to a conclusion, and to enable them to effect this, it was urged that a general reconciliation of parties was indispensable." M. Pita Pizarro added, that, if this union could but be effected, he would pledge himself to find resources in Spain, quite sufficient to supply the army. But without such an alliance of parties he could hope to effect nothing, and could not consent to retain his post.

Amongst the many projects of this sanguine Minister, was a commercial treaty with England, an indispensable step, in his opinion, to the conclusion of the loan he was endeavouring to negotiate in that country, and which he proposed to guarantee

by the appropriation of the proceeds of the duties to be imposed on the English goods imported by virtue of such treaty. This scheme was not popular with the representatives of Catalonia in the Cortes, who on behalf of the manufacturers of that province, tendered remonstrances to Government. There is little doubt but that the adoption of sound commercial views is a necessary condition to the restoration of prosperity in Spain; and among these, the principal reform would be a relaxation of the prohibitive system. But the Minister, who would effect this, must be prepared to contend with a formidable opposition proceeding from two distinct parties, equally interested in the maintenance of the present system—namely, the home producers and the smugglers. These latter form no inconsiderable interest in Spain, and such as, perhaps, no Government could prudently disregard in computing the resistance he would have to encounter.

While these events were dividing the attention of the public with the war, Muniagorri, having collected about 1,500 men, and being, as it is reported, assisted by a party of British marines, at length crossed the Bidassoa in boats, a little above Behobia, General O'Donnell having refused to allow him to pass by the bridge of Irun. His movement seems to have been looked upon with little favour by the Christino general; and notwithstanding the warm interference of the British officers, O'Donnell sent troops and artillery to prevent him from taking possession of the village of St. Martial. The "Fuerist" chief, therefore, took up a position on a declivity between Irun and V

Here it seems he was supplied with tents by the English, and, with the assistance of a company of British engineers, he proceeded to throw up entrenchments. El Pastor continued attached to his force.

The horrible system of reprisals prevailed, without intermission, during the latter part of the year in Arragon, Valencia, and Catalonia. It is probable that in this, as in every other matter of the kind, considerable allowance must be made for Spanish hyperbole. But if only a quarter of the revolting details with which the newspapers abounded be correct, there remains enough to shock and amaze us beyond measure. The war, generally, was carried on with more ferocity than vigour. Desultory operations and petty conflicts, magnified to an extreme importance by the press as they occurred, but leading to no result beyond the loss of a few men on either side, were all that marked the military history of this period. Neither party seems to have gained or lost upon the whole, unless the inactivity of Carlos is to be assigned to exhaustion and discouragement. The absence of the British legion was followed by an apparent stagnation of the war in Guipuscoa, which had been the theatre of so many and such fruitless combats. Catalonia, under the Baron de Meer, displayed less than usual of its habitual turbulence. The populace of Barcelona seems to have quietly acquiesced in the control which that general exercised over them.

The helplessness of the central Government at this time was such, that the generals commanding in the different provinces found it necessary to act in independence of its arrangements, and a system

began to prevail amongst them of appropriating to the military expenses of each province, the revenue which it afforded, instead of allowing it to find its way to the Treasury. Thus General Van Halen, on assuming the command of the army of the centre, after declaring the kingdoms of Arragon, Valencia, and Murcia in a state of siege for the rest of the war, and that in future the civil were to consider themselves in subordination to the military authorities, proclaimed, that the entire revenues of these provinces should, without any exception, be paid into the military chest, and be exclusively appropriated to the expenses of the war. The funds thus collected were to be under the management of a junta, over which the generals second in command were to provide, and which was composed of the military intendants, the political chiefs of Saragossa and Valencia, and one deputy from each province.

The history of PORTUGAL for the year is marked by no very striking occurrence. The national insolvency has arrived at its extreme limit, and it is difficult to see how any improvement can take place in the condition of the country, until a certain degree of order be re-established in the finances. When that is effected, it is probable that the Portuguese, a much less impracticable people than their neighbours, may not find it impossible to put matters upon a better footing, and at least a few steps might be made towards a permanent restoration of public tranquillity. At present, however, there is no prospect of any so desirable a consummation, and Portugal exhibits a melancholy spectacle of beggary in the capi-



pital, and anarchy in the provinces, which each succeeding year aggravates.

The following incident is characteristic of the extent of the public indigence in that country. A deputy in the Cortes moved that a petition, signed by the Chartist leaders, the Dukes of Palmella and Terceira, the Marquess of Saldanha and Mouzinho de Albuquerque, should, on account of its importance, be immediately printed. The proposition was negatived, and the hon. mover admonished, that as there was no money to provide paper or to pay for the printing of the journals of the House, it was very inconsiderate in him to make such a request in behalf of a mere petition. At the same time it was hinted, that he, being a wealthy proprietor, might do well, if he thought the petition so important, to have it printed and circulated at his own expense.

A still more pregnant indication of the state of the public exchequer was afforded by a motion made by M. Estevao in the Cortes to suspend, for one year, the payment of all bonds given by Government upon the custom-houses and collectors of the revenue, and for funding the whole of the floating debt, except the arrears of pay due to non-commissioned officers and soldiers and sailors. But if this proposal was enough to fill with alarm the creditors of the state, and the commercial classes generally, their consternation was raised to a still higher pitch by an amendment of M. A. de Vasconcellos, who moved that, from the date of the proposed bill no bonds issued in anticipation of the public revenues should be paid; that the amount of such bonds, paper

money, and all the floating debt incurred previous to the 31st of December, 1837, excepting the pay of non-commissioned officers, &c., should be funded with such interest as might be considered convenient. That the national property and Crown rents, excepting those set apart for the pensions of the ejected monks, and all debts due to the state, up to the time aforesaid should, after the current expenses of the state had been defrayed, be exclusively applied to the payment of the interest and sinking fund mentioned in the preceding article.

This project, instead of being unanimously scouted, as it deserved to be, as well on grounds of policy as of honour, led to a warm and acrimonious discussion, and the probable determination of the Cortes was for a long time a matter of uncertainty. Meanwhile a panic pervaded all classes, and a run commenced on the banks of Oporto and Lisbon.

With a view to avert the catastrophe of a national bankruptcy, the Lisbon Bank came forward with the offer of a loan to the Government of 2,700 contos of reis (about 650,000*l.*) to be supplied by monthly instalments of 300 contos upon the security of all the direct taxes of the state (customs excepted), which were then, or should become, due up to the 30th of June following.

It was with some difficulty that the Cortes was persuaded to suspend their deliberations on this business for a few days, at the urgent instance of the Lisbon Mercantile Association, and of the Bank, in order to give those bodies time to communicate with Oporto; at length, however, it was agreed to adjourn the debate for six days.



In the course of these discussions, the minister of Finance, in reply to a charge preferred against him, of having diverted certain sums of money from their legal appropriation, stated, that he had applied these sums to a liquidation of the demands of the United States and France, on account of injuries suffered by their citizens during Miguel's usurpation; and he added, that had he acted otherwise, and subjected the country to the risk of seeing the fleet of the United States, now in the Mediterranean, enter the Tagus, he would have forfeited all claims to the confidence of the country.

On the 19th of February, the proposed bankruptcy was, after a warm debate, rejected by a small majority, and a loan conjointly tendered by the Mercantile Association and the Bank, was accepted in substitution of that proposition.

Early in March, one of those street riots, for which the Portuguese, like the French, seem to have great aptitude, broke out, and threw the capital into disorder for some days, without, however, producing any result beyond the bloodshed which it occasioned. It seems to have arisen under the following circumstances. On Sunday, the 4th of March, the National Guards, who were collected for their monthly muster, received directions not to separate until further orders, and, in the mean time, the commandants of the different corps were desired to repair to the office of Soares Caldeira, the civil Governor, where they were called upon to subscribe a petition to the Queen, requesting her not to appoint any persons to her ministry, which was understood to be

then undergoing a change, who were not tried adherents of the revolution of September. The greater part, however, of the officers assembled, declined to have anything to do with the petition, as unconstitutional. Upon this, the arsenal battalion, commanded by França, and the 15th, under Mantas, with one or two more, placed themselves in an attitude of hostility to the constituted authorities; and, it is stated, that they were joined by a body of sailors from the ships of war in the Tagus. In this state, things remained till the 8th, when it became known that the Queen had removed Caldeira from his post of civil Governor of Lisbon, and appointed, in his stead, M. Costa Cabral. On the following morning, the drums of the insurrectionary battalions beat to arms. On the other hand, the troops of the line received orders from Government to march down from the Estrella Square to the central parts of the city, where they took up positions; Baron de Bomfim commanding in person two regiments which were drawn in front of the arsenal. Here the two chiefs, Bomfim and França, held a conference, and the result was that both parties agreed to draw off their forces. This was accordingly done; but, in the Gazette of the same evening, appeared an order, dismissing M. França, as inspector of the arsenal, and dissolving the turbulent battalion, which bears its name.

During these alarming proceedings, the Queen is said to have displayed great courage and firmness; and her resolute refusal to recal França to office led to a dissolution of the Cabinet. M. Jose Caetano de Campos, Presi-

dent of the Cortes, was charged with the formation of the new administration. To the Baron de Bomfim, the Queen committed the command of the troops, who, in number about 3,000, including the Municipal Guard, were collected in the neighbourhood of the palace of the Necessidades. Circular invitations were also issued to the members of the Cortes, to attend her Majesty. Having assembled at the palace, they voted, among other extraordinary measures, the suspension of the Habeas Corpus; and that, further, the refractory battalions should be forthwith disarmed. In order to carry these resolutions into effect, the troops advanced into the city. A great deal of desultory fighting then ensued; and many lives were lost on both sides. In the end, the insurgents dispersed, which terminated this ridiculous affair.

The 4th of April, being the 19th anniversary of the Queen's birthday, was fixed for the solemnities of inaugurating the new constitution. The ceremony passed off auspiciously; the Queen and her consort proceeded in state to the Cortes, where they took the oaths to the new order of things. The Queen then addressed the assembly in a short speech, in which she announced her intention of carrying, without delay, the constitution into effect, "through the exercise of one of the most precious prerogatives which it concedes, by imposing a perpetual silence and forgetfulness over all those fatal dissensions which have afflicted this nation." After a suitable reply from the President, the session was declared to be at an end. A decree of amnesty made its appearance immediately, by virtue of which, "the events that had taken

place since the 10th of September, 1836, calculated to destroy the institutions proclaimed by the nation at that period, to disturb order, and to treat the Royal authority with disrespect, were to remain in oblivion; and any prosecutions, which those events might have occasioned, were to be considered as having never existed, and the consequences that might have resulted therefrom, as null and void." "Revolutionary acts, or acts having a tendency to excite to revolt, practised by the adherents of the proscribed usurper," were excepted from the benefit of this decree. A further amnesty, extending to certain specified military offences, was published at the same time.

Her Majesty marked her opinion of the services of M. Joao de Oliveira, the Minister of Finance, who had distinguished himself much by his conduct during the late disturbances, by conferring upon him the title of Baron de Tojal; and the Viscounts Reguengo and Das Antas, and the Baron de Bomfim, were gazetted as Counts. General Mendes received the rank of Baron de Caudal. The new Baron de Tojal, at the same time, retired from his office. The new cabinet was soon after arranged. The Viscount Sada Bandeira retained his place at its head; the Home department was committed to M. Fernandez Coelho; the Count de Bomfim remained at the War office; M. Duarte de Leitao took the seals; and M. Antonio de Carvalho, provisionally succeeded Joao Oliveira in the Exchequer.

In the middle of June, another disturbance broke out in the streets of Lisbon. It commenced at the cathedral door, during the c

bration of the feast of Corpus Christi. The mob covered the King, who was attending in person, with abuse, and compelled him to make a precipitate retreat. The Viscount Sa da Bandeira had a narrow escape, being felled to the ground by the stroke of a bayonet, and M. Costa [Cabral, the civil Governor, together with M. Silva Carvalho, with difficulty made their way from the midst of the infuriated mob, and took refuge in the castle of St. George. The tumult, however, was suppressed in a short time, before any great mischief had been effected; and an order, issued by Government, for the disbanding of several democratic battalions of the national guard, seems to have met with more attention than those of a similar purport which had preceded it in the course of the year.

The banditti, who under the names of Miguelite Guerillas, ravage Portugal, and particularly the southern provinces, seem to have carried on their outrages with increased vigour and audacity during the year. Amongst the boldest and most dexterous of these partizan chieftains, was Remechido, of whom already mention has been made on a former occasion. In common with so many other guerilla leaders of the Peninsula, this person was educated for the priesthood. He had, we are informed, already received the four first grades of holy orders, so as to be qualified for the functions of the altar, when the attractions of a damsel of the Algarves induced him to abandon the clerical profession. He married, and became a farmer, having, from the activity and perseverance which he displayed in overcoming the obstacles to this change in his career, ob-

tained the *soubriquet* of Remechido or the Bustler. For many years, he seems to have lived happily, his means rapidly increased, and he became an ensign of militia, and the tax collector of his district. When the Duke of Terceira landed in Algarve in 1833, and the events happened which terminated in the expulsion of Don Miguel, Remechido, who had taken up arms for the usurping prince, refused to lay them down after the contest was brought to an end; withdrawing to the mountains, he collected a company of brigands about him, and became the scourge of the south of Portugal.

This freebooter's career was at length brought to a conclusion in the summer of the year. On the 28th of July, he was attacked in his mountain fastnesses by Colonel Fontoura, and, after a sharp conflict, his band was dispersed, and himself captured. He was shot at Faro on the 2nd of August.

But the death of Remechido does not seem to have discouraged his comrades. On the contrary, they exhibited more daring and activity than before; often cutting off detachments of military, pillaging villages and towns, and committing every sort of atrocity in the high ways. Remechido left a son, who inherited his father's command, and, in conjunction with another chief, named Baioja, rivalled the exploits of his formidable sire. Baioja soon afterwards fell in a mountain combat, but many candidates appeared for his name and occupation.

Meanwhile, the general elections for the Cortes, under the new constitution, took place. Much violence and chicanery are alleged to have been practised in the course

of them by the contending parties, and especially by the Septembrists, or partisans of the existing constitution, who were thought to have obtained a slight majority in the new chamber.

On the 31st of October, the Queen was brought to bed of a prince, who received the title of Duke of Oporto. It may be

mentioned, as a proof of the reconciliation of parties, that the Duke of Terceira, who before his outbreak in favour of the charter of 1826, in the preceding year, had held the office of president of the supreme military council of justice, was, at the close of this year, re-instated in his post.

## CHAPTER XXI.

**BELGIUM.**—*Revival of the Hollando-Belgic question—The 18 Articles and the 24 Articles—Aggressions of the King of Holland on the Forest of Grunenwald—King of Holland accepts the 24 Articles—Refusal of Belgium to cede Luxemburgh—Reasons—The Conference insist upon the performance of the 24 Articles—Affair of Strassen—M. Dumortier and M. Gendebien—King Leopold's Speech at the Opening of the Session—Address of the Chamber of Deputies—Belgian Army—Treaty of Commerce with France—Failure of the Bank of Belgium—HOLLAND.*—*King's Speech at the opening of the Session of the States-General—Address of the States—Supplementary Budget—Proposed Marriage of the Hereditary Prince of Orange—***HANOVER.**—*Moderate conduct of the Opposition—Convocation of the States—Opening of the Session—King's Speech—Election of Presidents of the two Chambers—Election for the City of Hanover twice set aside—Exclusion of other Deputies—Address of the States-General—No public Business transacted in the Second Chamber—Adjournment of the Legislature—Declaration of the Electoral College of the City of Hanover—Election of Dr. Meyer—M. Conradi's Motion—Rejection of the new Constitution by the Second Chamber—States-General prorogued—King's Answer to the Osnabruck Addresses—Applications to the Germanic Diet—Personal popularity of King Ernest—Revenue of Hanover—***SWITZERLAND.**—*New Constitution of Zurich—Disturbances in the Canton of Schweitz—Dispute with France concerning the expulsion of Louis Bonaparte—Note of the French Ambassador referred to the Cantonal Authorities of Thurgau by the Diet—Thurgau refuses to expel Louis Bonaparte—M. Molé's despatch to the Duke de Montebello—Adjournment of the Diet—Louis Bonaparte determines to withdraw—Military preparations in France and Switzerland—Proceedings and Speeches in the Diet—Answer of the Diet to the demands of France—Departure of Louis Bonaparte for England—Prince Metternich's despatch to the Austrian Envoy in Switzerland—Proceedings in the Chambers of***WURTEMBERG** *and***BADEN***—Alleged Conduct of the Duke of***SAXE COBURG GOTHA** *with respect to the Coinage in his Dominions,*

**BELGIUM.**—At the close of 1837, the Dutch and Belgian controversy which for the preceding five or six years, had, on account of the impracticable firmness of the King of the Netherlands, subsided into a state of abeyance, began to show signs of life.

In the course of the following year, not only had the negotiations on the subject resumed their former activity, but the peace of Europe seemed more than once about to be compromised. The following was the state of the question at the opening of the year 1838. By the protocols of the 20th and 27th of January 1831, the conference of London had, it may be recollected, proposed, among the “bases of separation,” that Belgium should consist in future of all the territory which was, by the treaties of 1815, comprised in the denomination of the kingdom of the Netherlands, except such parts of it as formerly constituted the United Provinces, and the Grand Duchy of Luxemburgh. These preliminaries, however, underwent subsequent modifications which, when embodied in the treaty known as the “18 Articles,” secured to Belgium the right to treat for the purchase or redemption of Luxemburgh from Holland on fair terms of pecuniary compensation. The 18 Articles were adopted by the Belgian congress in July, 1831, and, upon the faith of this arrangement, the present King accepted the Throne. But the King of Holland rejected the Articles, a step which was followed up by the invasion of Belgium. The events of the short campaign which ensued are known to our readers; they led to fresh negotiations, and the result was, a new treaty called the 24 Articles. By this last ar-

rangement, which was less favourable to Belgium, than the treaty of the 18 Articles, inasmuch as it involved a slighter departure from “the bases of separation,” a certain portion of the Duchy of Luxemburgh was definitively assigned to the King of Holland, as Grand Duke (no right of redemption being any longer reserved to Belgium) together with the entire sovereignty of Maestricht, and a considerable part of Limburgh. It was, moreover, determined, that Belgium should contribute 8,400,000 florins annually, as her share of the joint debt of the two countries.

After an ineffectual protest, Leopold undertook to accept these last articles in November, 1832. But the King of Holland obstinately refused his concurrence, and for the six ensuing years, the matter remained unadjusted.

The first indication of an intention to disturb the *status quo* existing between the two countries was manifested by the King of Holland.

Having contrived to obtain from the Germanic Diet at Frankfort the necessary authority, he proceeded, in the Autumn of 1837, to fell timber in the Forest of Grunenwald, which forms part of the disputed territory of Luxemburgh. This proceeding provoked a lively feeling of resentment on the part of the Belgians. They made a demonstration of a resort to arms, and, in the mean time, addressed remonstrances on the subject to the Diet. That body happened not to be assembled at the time, but such of its members as were at Frankfort, took upon themselves to make provisional arrangements for the preservation of the peace between the two



countries, and, in compliance with their representations, the acts complained of were discontinued on the part of the Dutch King, and the affair terminated peacefully, though not without military demonstrations on the part of both France and Prussia.

At length, in March 1838, the King of Holland, through his ambassador, intimated to the Conference at London, that, having been "constantly disappointed in his just expectation of being able to obtain by negociation better terms for his beloved subjects, he had become convinced, that the only pledge which still remained for him to give of his regard for their welfare, and the sole means to attain his object, consisted in a full and entire assent, upon his part, to the conditions of separation which the courts of Austria, France, Great Britain, Prussia and Russia, had declared to be unalterable and irrevocable." His Majesty, therefore, declared his readiness to accept the 24 Articles.

But it was now the turn of Belgium to raise objections to the proposed arrangement. She had, indeed, it was admitted on her side, at a moment of utter helplessness, and when her very existence as a nation was in a precarious condition, consented to part with Luxemburgh, though it formed, in effect, an integral portion of her territory, and though its inhabitants, who had been active participators in the revolution, utterly abhorred the notion of being re-annexed to Holland. But her inducement to accept the 24 Articles was the prospect of thereby terminating at once the harrassing disputes which stood in the way of her being recognized as an independent power. As the

price of a speedy and final settlement she had consented to sacrifice Luxemburgh. Owing, however to the refusal of Holland to execute the contract, that consideration had failed entirely. Accordingly, when, in 1838, she was called upon to fulfil the engagement which she had, under the abovestated circumstances, incurred in 1832, it was argued on her behalf that the state of the question was entirely changed, and that it would be most inequitable to hold her to the performance of her part of the contract, no regard being had to the vexatious delay on the side of Holland, who had for six years chosen to set the Conference at defiance, and to watch the course of events. Immediate execution was obviously the very essence of such a treaty as that under consideration, and the alteration of circumstances demanded a corresponding modification of the Articles.

All these remonstrances, however, as far as regarded the territorial part of the question, were unavailing; the five powers insisted peremptorily on the cession of Luxemburgh, and it was apparent, that whatever might be the value of her arguments, Belgium would be compelled to render obedience to the decree of the Conference. Much, indeed, was said of an appeal to arms and to the justice of the cause, nor was there wanting some little exhibition of that spirit of bravado which is, perhaps, the national failing. Rumours, too, were bruited abroad of the intended interference of France, who, at all events, it was surmised, would never stand by to see Belgium coerced with the aid of Prussia. But when it became known that the French plenipo-

tentiary at the Conference concurred with his colleagues in the course they were taking, all hope of succour from the cabinet of Louis Philippe was removed.

Meanwhile, on the 28th of May, M. Metz called the attention of the Belgian Chamber of Representatives to an occurrence which had quite recently taken place at Strassen, near Luxemburgh. It seems that the people of that town, excited by the pending discussions, had planted the tree of liberty before the house of the burgomaster, and hoisted the Belgian flag. For the purpose of removing these obnoxious emblems, a Prussian battalion was marched into the town; and, by the orders of the commanding officer, both tree and ensign were speedily laid low. No disturbance seems to have occurred, nor was any resistance made.

This intelligence did not fail to call forth a strong expression of indignation from the war party in Belgium, who pressed the government to avenge, at all hazards, by an appeal to arms, this outrage on the national dignity. The minister for foreign affairs, however, M. de Theux, contended that no insult to Belgium was involved in this affair; that the display of the flag within the *rayon* of the fortress of Luxemburgh was a violation of the convention on which the *status quo* between the countries was founded, and that the parties really in the wrong were the people of Strassen themselves. M. de Theux, moreover, dwelt on the inconveniences that must ensue from military movements on the part of Belgium. An extraordinary vote of credit for 3,000 men would at once be required, and a further increase would be called

for as the difficulties became more complicated.

“What does that signify?” exclaimed M. M. Dumortier and Gendebien, “if you want 12,000 or 15,000 men you can have them without delay; only have the courage to act.”

The Chamber, however, seems to have taken no decided step in the matter, and the legislature was soon afterwards prorogued. During the autumn, the negotiations concerning Luxemburgh proceeded without intermission, but no concession could be obtained from the Conference with respect to the territory, though, it was understood, there was a disposition to reduce the share of the joint debt originally allotted to Belgium; when, therefore, Leopold re-assembled his Parliament, on the 13th of November, little progress had apparently been made towards a settlement of the dispute. In his speech, at the opening of the session, he informed the Chambers that their differences with Holland were not yet arranged, “the rights and interests of the country,” he continued, “are the sole rule of my policy; these have been treated with the care which their importance requires, and will be defended with perseverance and courage.” (This passage elicited loud acclamations). His Majesty then went on to say, that nothing was changed in the numerical strength of the forces which menaced the frontier, and that the state of their army, therefore, would continue unaltered.

After some remarks on certain laws affecting the army, which were in contemplation, he observed that a loan which had been effected, with the authority of the Chambers, for the continuation

the public railways, had been concluded at a favourable rate, and had consolidated the national credit. A great portion of the task which government, in proposing a system of iron railways, had accepted, was accomplished, and all these undertakings were in a most satisfactory stage of progress. The King then called their attention to various legal and judicial reforms; to the amendment of prison discipline; the encouragement of benevolent institutions, and the promotion of education; and, on the whole, presented them with a very agreeable and encouraging picture of the progressive prosperity of the country.

The address of the Deputies in reply to the speech may be considered as the manifesto of the Belgian people and is not undeserving of attention. We have, therefore, subjoined it in a note.\*

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\* Our rights, Sire, are those which every nation ought to claim—its unity, the integrity of its territory—they rest on that national antiquity which Belgium only regained in 1830. Its rights were disregarded in 1831, and if Belgium in view of the calamities which then threatened Europe, had consented to the most painful of sacrifices, it was only under the formal guarantee given by the five powers of an immediate execution which would have secured us against all vicissitudes. But the powers shrank from the accomplishment of this guarantee, and the Dutch Government far from agreeing to stipulations extorted from the country and from your Majesty, thought fit to reject them, and to speculate on the chances of time in order to profit by events. To yield to the hard conditions of a treaty founded on temporary circumstances, which an adverse power refuses for a long series of years, is not contracting an engagement to submit exclusively and without limit to all the unfavourable conditions. The immediate execution, which was one of the indispensable conditions of a treaty which

The year came to a close before these differences could be adjusted.

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alone could have placed Belgium under the hard necessity of seeing its territory mutilated, not having taken place by the act of Holland as well as by the tolerance of the mediating powers, they are not entirely in the same state; since then, time has consolidated the bonds of union between us and our countrymen of Limburg and Luxemburg, bonds so close that they could not be broken without disregarding what is most sacred in the law of nations. But the words of your Majesty have given us reason to believe, that the project of imposing on us a debt which we did not contract, of dismembering our provinces, and of breaking the long subsisting union of their inhabitants was not abandoned. However, the errors committed in the partition of the debts of the kingdom of the Netherlands are now manifest; and eight years' experience has shown, that the ancient and intimate connection of Limburg and Luxemburg with the other Belgian provinces made the happiness of all without troubling the peace of any country in Europe. For four centuries, Luxemburg has been united to Belgium. The Belgic revolution did not effect its union with the other provinces, it only maintained it. That province, though called a Grand Duchy, has never been governed as a German state. The organic and public acts of the Government of the Netherlands have constituted the nine southern provinces, conformably to their anterior existence, without making any distinction with regard to Luxemburg. Belgium has added nothing to their limits. It has separated from the northern provinces, it resolved to have a King of its own. It has recognised the military rights of the German States, the only exceptional rights established in the territory of the Netherlands: it has recognized them as they have subsisted for these 13 years. The province of Limburg has been formed in its present limits by virtue of treaties. The ancient *enclaves* have been exchanged for others situate in Holland. Belgium, therefore, has not been actuated by any spirit of encroachment; even now it desires only to retain fellow citizens who are united to it by a long connexion."

During the whole course of them, a large and noisy party in France continued to manifest a desire of backing Belgium in her resistance to the decree of the Conference, and it was for some time doubtful how far the earnest endeavours of that body to avert a collision between the contending parties would be successful.

At this period, the effective force of the Belgian army was stated at 48,192 men, besides a body of reserve, or militia, consisting of 16,000 men, who were only called out for ten days in the year. The estimates voted for the maintenance of this force in 1838 amounted to 42,860,721*l.*; a sum which in the budget for 1839 was augmented by a further vote of 1,500,000*l.*

On the 22nd of September, a treaty of commerce and reciprocity was executed between France and Belgium.

The prosperity of the country to which the King had adverted in such terms of satisfaction in his speech, received a severe, though temporary check, at the close of the year. The Bank of Belgium suddenly, and as it should seem, contrary to all expectation, announced to the world, that it was under the necessity of suspending its payments. This disastrous intelligence, spread dismay through the commercial and manufacturing interests, and many bankruptcies were the result. But the material prosperity of Belgium rests upon a deep and sound foundation, and the effects of the shock seem to have passed away without leaving much impression behind them.

With the exception of her dispute with Belgium, the affairs of HOLLAND offer nothing of interest for our annals.

The Session of the States-general was opened on the 15th of October, by the King, who said in his speech, that he was still in expectation of the answer to the declaration delivered in the spring on his part to the plenipotentiaries of the Courts of Austria, France, Great Britain, Prussia and Russia. He continued, he said, to cherish the hope, that this declaration founded on the anterior resolutions of these powers, and which had obtained the unanimous assent of the States-general, would lead to a result compatible with the honour and the true interest of the Netherlands.

His Majesty, then, after giving a favourable account of the state of trade and navigation, the fisheries and manufactures, informed the States, that the affairs of the Colonies were in a satisfactory condition.

“The new organization of the Dutch East-India possessions, continued to answer their expectations. In Sumatra, their authority had been more firmly consolidated by the taking of Bonjol.”

The expenditure of the State had been constantly covered by the revenue, while “the flourishing condition of the several branches of the public welfare ensured the regular payment of the taxes.” Public credit was maintained, and the greater extension given to the Bank of the Netherlands would give new animation to credit and to commerce in general, “If, on this occasion,” his Majesty continued, “no alleviation of the public burdens can be effected, I, nevertheless, rejoice, that all wants can be provided for without the necessity of imposing new taxes on my beloved subjects, and that there is hope of our being able

to propose a further diminution of them.

“ I wish that it may be practicable, during this Session, to accomplish an amelioration in our monetary system.”

The royal speech concluded with a reference to the judicial reforms in progress, and expressed a hope, to see “ the project of a penal code in harmony with the manners of the nation shortly finished.”

The answer of the States-general, expressed their sorrow, that “ no reply had been yet returned to a declaration so precise and unreserved,” as that made by his Majesty to the Five Powers. “ Your Majesty,” they proceeded to say, “ still cherishes a hope, that this answer will announce an issue compatible with the honour and true interests of the Netherlands. May this hope not be dispelled by the consequences of an inconceivable policy; your Majesty would then find us ready to support your efforts for the purpose of obtaining such an issue.”

On the 19th of November, the Second Chamber was called upon to vote a supplementary budget of nearly 290,000 florins. The grant was opposed by M. M. Schimmelpenninck, Van der Oye, Luzac, and Van Dam Van Isselt, who contended, that of the items many ought to have been included in the original budget, that some were unnecessary, and that, even supposing their necessity, they ought to be defrayed out of a sum of 500,000fl. which were already placed at the King’s disposal for extraordinary charges. It was further argued by these members, that the fact of this extraordinary application for a subsidiary fund showed in how slovenly a manner,

the finances of the country were managed; it was an appendix, they declared, to an incorrect and blundering budget, and their duty would not allow them to sanction such a grant. The sum required was, nevertheless, voted by a majority of 32 to 12.

On the 4th of December, two bills were introduced, the one for altering the monetary system, the other for modifying the existing regulations relative to the importation of gold and silver. Two days after, the King informed the States by message, that a marriage was proposed between the Hereditary Prince of Orange, and the Princess Sophia Matilda, daughter of the the King of Wurtemberg.

HANOVER.—It is not often that a monarch has ascended a throne under the menace of greater difficulties, than those with which King Ernest had embroiled himself, by annulling the existing constitution. But such is the good sense of the German people, that, however resolute might be the resistance which it was proposed to offer to this stretch of the royal power, the malcontents, for the most part, took care not to compromise themselves by any unbecoming violence of speech or action.

By a proclamation, dated the 7th of January (See Appendix) the general Assembly of the States was summoned to meet on the 20th of February, conformably to the Royal patent of 1819. The elections for the Second Chamber were to be conducted on the principle laid down by the Royal Ordinance of the 20th of February, 1832 (the general purport of which is stated in the proclamation), and would embrace deputies of the land-holders not belonging to the



equestrian order, including the order of peasants.

On the 20th, accordingly, the king opened the session with the following short speech:—

“Noble Lords, worthy and faithful Deputies,— My anxious desire to see assembled round my throne the worthy States of this kingdom is at length gratified. It is for me a great satisfaction. When I determined on abrogating the fundamental law of December 26, 1833, by the promulgation of my royal patent of November 1st, 1837, an attempt was made to create a belief, that it was my intention to arrogate to myself an arbitrary power over the subjects Providence has committed to my care. I have ever detested an arbitrary form of government, and I wish to govern my beloved people only according to law and justice. In order, worthy States, to give you an unquestionable proof of the uprightness of my intentions, I will shortly cause to be laid before you the draught of a new constitution for my kingdom, based on the principles which have so long secured the prosperity of the people of Germany. I indulge the hope, that my views will perfectly coincide with yours on all the main points of the new charter. Various other important bills will also be submitted to your deliberation. I declare that the session of the States is opened.”

The first step to be taken in both Chambers was the election of their respective presidents, an affair which passed off harmoniously. The practice being for the second Chamber to submit three names, from which the King is to select its president, his Majesty's choice fell upon M. Jacobi, who came re-

commended by the greatest number of votes. But it soon became apparent, that King Ernest's determination to repudiate the constitution would be met with a corresponding firmness on the part of those who were opposed to that measure. Accordingly Hanover, Osnabruck, and some other towns returned deputies hostile to the Government. But the return made by the city of Hanover was set aside under singular circumstances. It seems, that not only had a distinct pledge been obtained from the successful candidate, to the effect that he would not support the Government, but a like stipulation was actually endorsed on the back of the document which notified his return. This proceeding was declared to be illegal, and a new election was directed to take place. The same deputy was returned as before, and though he was not required to pledge himself in terms to any particular course, a written declaration appeared on the back of the writ, to the effect, that the electors expected from him the same unconditional opposition to the Government measure, which he had originally promised to afford. This return was likewise pronounced invalid. Upon this the constituency refused to proceed to a new election, and so the matter remained for some time. In the same manner, the elections for Lunenburgh, Hildesheim, Stade, and Harburg, were annulled, and M. Hugo, deputy for Göttingen, seems at first to have been forbidden to take his seat in the House, though he afterwards found his way there, and was amongst the foremost to call in question the legislative competency of the Chambers, and to declare, that



all their proceedings must of necessity be illegal. It is stated, that, on the whole, nineteen deputies were in this manner excluded.

The States General presented their Address to the King, on the 9th of March. In this, after some warm expressions of affection and confidence, they proceeded to state, that, although the Royal patent of the preceeding November, by which the constitution of 1833 was revoked, filled many of his Majesty's faithful subjects with apprehensions, it had failed "to shake the general confidence, that a King, who once voluntarily hastened to the aid of the country, in order to combat injustice, would never wish to govern otherwise than according to justice." On the whole, the Address, though loyal and respectful, was sufficiently reserved in its expressions with respect to whatever regarded the future.

Meanwhile, the Second Chamber made no progress. Its legal competency was strenuously controverted by many of its own members, while others, disgusted at the state of things, withdrew from it altogether, so that there barely remained the number of deputies required to form a House. M. Von Honstedt, the deputy for Celle, not only forbore to attend, but, having entered a protest in the journals of the Chamber against the competency of the present Assembly, absolutely resigned his seat, and although his constituents re-elected him immediately, the Government refused to sanction the return.

The King, finding that it was impossible to carry on public business in the present temper of the Second Chamber, adjourned the

States from the 7th to the 22nd of April.\*

But when that day arrived, it was found, that the due number of members to constitute a *quorum* in the Second Chamber was not forthcoming, and consequently all public business came to a stand.

The electoral colleges of the capital in the meantime had been induced to abandon their determination to abstain from any further election in the present state of things. They framed, however, a sort of manifesto, in which it was stated, that, although they had

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\* The proclamation, which communicated the royal determination in this respect, speaks of the conduct of the Second Chamber in the following terms:—"We opened the General Assembly on the 20th of February this year, and believed, that we might confidently hope that they would immediately proceed with the new constitution, which was laid before them at the opening of the session, and which was indisputably the most important subject they had to consider. Unhappily we are grievously disappointed in our just expectations; for though the First Chamber alone proceeded to examine the constitution, the Second Chamber has not yet paid any attention to it. After the Estates have been assembled nearly seven weeks, notice is given us that the two Chambers have appointed a committee to subject the constitution to a thorough and careful examination, and that, in order to have time for this task, it is hoped we may be induced to adjourn the Chambers for a time, so that they may meet again on the 14th of May at the latest. We cannot consent to this adjournment, because the delay which would arise could not but be prejudicial to the tranquillity and welfare of the beloved subjects confided to us by Divine Providence. Though our royal duties are opposed to the adjournment desired, we willingly grant our faithful Estates a short relaxation on the approaching Easter holidays, and hereby allow them an adjournment to the 22nd of April."

come to a resolution to proceed to a new election, without any reservation whatever, they felt it to be their duty notwithstanding to declare, that it was by no means their intention thereby to renounce the rights which the country and the several corporations had acquired by the constitution of 1833; that they should consider that constitution as legally existing, till something else should be legally substituted for it by common compact; and finally, that they expressly reserved to themselves all the means of asserting their just rights under the constitution of 1833, either alone or in concert with other corporations.

This instrument was presented to the Second Chamber by Dr. Meyer, the newly elected deputy for the capital. The prospects of the King's affairs, were at this time far from being of an encouraging character; and when, at length, the Second Chamber had assembled in sufficient number to proceed to the discussion of the new constitution, which was the first subject of public importance that demanded their attention, the following motion, of M. Conradi, on June the 25th, was carried by a majority of thirty-four to twenty-four.

"The Estates will discuss the constitution which has been submitted to them by his Majesty; they must, however, hold the opinion, that the constitution, which legally existed before his Majesty's accession to the Government, cannot be satisfactorily abolished, or altered, unless the representation established according to the constitution (agreeing with the proposal of the Estates regarding the new constitution), as well as the provincial assemblies, have given their consent."

This was followed by the rejection of the proposed constitution, on the first discussion, by a majority of thirty-seven to twenty-three votes. On the 29th of June, an ordinance appeared proroguing the States General. Thus, then the King proclaimed himself at issue with his people. To a petition presented, the preceding day, by the elders of the town of Osnabruck, which he was visiting at the time, praying that he would be pleased to grant the continuance of the constitution of 1833; his Majesty replied, that "the love of his subjects was the sole principle of his actions." He had previously addressed the burgomaster of that city to the following effect, "I know that the citizens of Osnabruck are loyal and honest, when they do not suffer themselves to be deceived by fine speeches. They do not yet know me; they must become acquainted with me; they will then see that the Almighty knows I speak the truth, that I mean well, and desire to promote the interest of Osnabruck and of the whole country."

While King Ernest, upon whom, as an English prince, the lessons of history seem to have made less impression than might have been desired, was thus provoking a contest with his subjects, the affairs of his kingdom had come under deliberation in the Germanic Diet, to whom belongs, of right, the adjudication in quarrels between members of the Confederation and their subjects. Various petitions had been addressed to this, the Amphictyonic Council of Germany, from different towns of Hanover, which it refused to take into consideration, on the ground of the general irregularity of such applications. The Second Chamber,

itself, despatched two of its members to Frankfort, with a view to lay their case before the Diet; but, we believe, that body declined to recognise their mission, at the same time that it asserted its competency to enter into a full consideration of the whole question.

If it be true, as has been stated by parties whose bias is far from inclining towards the King, that the bulk of the people are indifferent to the controversy, which at present divides King Ernest and his Second Chamber; the mere impolicy of the course pursued by that potentate is, to a certain extent, diminished. Neither the inhabitants of town or country, it is said, care about politics, while the King, personally popular, has the further advantage of having brought back to Hanover its long absent court, and so communicated to the country an amount of positive benefit, which may well be set off against what might appear to many to be but speculative grievances. It may nevertheless be safely asserted, that no wise man would have acted as the King of Hanover has done; regard being had to all the circumstances of his position in England, as well as in his own kingdom.\*

SWITZERLAND. — The revised constitution of the Canton of Zurich, made its appearance, at the beginning of the year. It bore a more democratical character

than the last, abolishing certain electoral privileges originally accorded to the capital, and proclaiming political equality to be the basis of the new order of things. The elections in this Canton are henceforward to be conducted in the following manner. A deputy having been returned to the Grand Council by every 1,200 inhabitants, that assembly, in this the preliminary stage of its existence, is to proceed to a supplementary election of one for every 20,000 of the population. Thus combining the direct with the indirect methods of election, and obtaining by the former mode 129 members, and by the latter twelve.

During the spring and summer of the year, the Canton of Schweitz, poor, essentially democratic, and very subject to the dominion of the Roman Catholic clergy, was violently torn by faction. The names of the two parties which distracted this little state by their animosities, are illustrative of the primitive manners of the country. The *Klauemänner*, or proprietors of goats, being persons of the poorer class, held themselves to be aggrieved by the aggressions of the *Hornmänner*, or owners of cattle, in respect to the use of the mountain pastures common to both. To what seems to have been originally nothing but a pastoral quarrel, it was not difficult to impart

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\* By an official statement of the revenue of Hanover, for the year ending, July 1837, it appears, that

			Rix dollars.
The total revenue was	..	..	6,306,173
The expenditure	..	..	5,747,594
Surplus	..	..	<u>558,579</u>

a political character; and, as the goat-proprietors became synonymous with the "liberal," so the cattle-owners were identified with the more aristocratic of the two parties. Their dissensions broke out into open violence, in the month of May, on an occasion when the *Landsgemeinde* of the canton were assembled for electoral purposes. The rival factions having come to blows, though without any great mischief happening, the liberal party were defeated and driven off the field. The clergy seem to have sided with the aristocracy, who also had the advantage of being in possession of the chief offices of the government. This transaction of course widened the differences between the two parties, whose reciprocal hatred drove them to such lengths, that the federal government found it necessary to interfere, and even Austria tendered its formidable "mediation." It is stated, that the commissioners, sent by the Vorort, to enquire into these disturbances, were not treated in the most respectful manner by the triumphant Hornmänner. Amongst other instances of insubordination, a proclamation, which they had caused to be placarded, was torn down by the express order of the cantonal authorities.

It was not without a considerable military demonstration, that the Vorort eventually succeeded in keeping the peace until a new *Landsgemeinde* was summoned, which proceeded to elect the cantonal authorities, under the superintendence of the federal commissioners. The assembly thus convened met on the 22nd of July. Both parties were arrayed in distinct camps, but perfect good order prevailed throughout. The

trial of strength took place upon the preliminary point of the choice of returning officers, when it became apparent, that the government party had the majority, amounting to 4,478 in number, while the Klauenmänner mustered no more than 4,000. The latter, finding themselves in a minority, very prudently withdrew, and left their adversaries masters of the field. The three principal magistrates of the canton were then duly appointed by the successful party; and amongst them, M. Abyberg, the late Landammann, was re-appointed to his office.

The Federal government had scarcely disposed of this troublesome business, when a question of more general importance presented itself, which was very soon to place the Confederation in a situation of the greatest embarrassment. It has already been mentioned, that Louis Bonaparte, the hero of the Strasburgh plot, had returned from the American continent to Switzerland, and had again taken up his abode at Arenenberg, in the canton of Thurgau, not far from Constance. On the 1st of August, the Duke de Montebello, the French ambassador, communicated to the Vorort a formal demand, on the part of his Government, for the expulsion of this individual from the Helvetic territory. "It is notorious," was the language of the note addressed by the Duke to the federative Directory, "that Arenenberg is the centre of machinations which the King's government has a right, and is in duty bound to prohibit, as being so near its frontier. It is vain for Louis Bonaparte to deny it. The writings which he has caused to be published both in Germany and France, the

pamphlet lately condemned by the Court of Peers, in writing and distributing which it is proved that he concurred, clearly indicate that his return from America, had not only for its object to pay the last duties to a dying mother, but also to resume his projects, and put forward pretensions which it is evident he never renounced."

This communication was no sooner presented, than it produced the greatest excitement throughout the cantons; Louis Bonaparte, it seems, had been admitted to all the rights of a citizen of the canton of Thurgau, and it was contended, on the part of the Swiss, that the pretensions of France, calling upon an independent power to expel one of its own citizens, were unprecedented. The French minister, however, would listen to no arguments of this sort; his government, he gave it to be understood, was bent upon carrying the point, and he at once distinctly intimated that, in the event of resistance to this demand, France would have recourse to arms.

On the 6th of August, the Helvetic Diet took the Duke's note into consideration. After a long debate, in which the deputies of all the leading cantons expressed themselves unfavourably to the pretensions of France, it was determined by thirteen votes and a half that the document in question should, at least, be transmitted to the cantonal authorities of Thurgau, and a commission was, at the same time, appointed to manage the correspondence with that canton.

Thurgau, as might be expected from the general temper which prevailed, refused to expel the

Prince, who had become one of her own people, and had renounced the title of a French citizen. On the 27th of August, the resolution which the Grand Council of that canton had adopted, was communicated to the Diet. The state of Thurgau, in the most formal manner, repelled the demand made by France, but, at the same time, declared its readiness to watch over, and, if needs be, to punish any attempt tending to disturb the security of other states.

On the other hand, M. Molé addressed a despatch to the Duke de Montebello, directing him to declare to the Vorort that, if Switzerland should, contrary to expectation, take part with the person who was compromising her repose, and should refuse to expel Louis Bonaparte, he (the Duke) was ordered to demand his passports.\*

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\* We are induced to subjoin the remainder of M. Molé's despatch:—

"I shall make no observation," said he, "upon the violence of the speeches pronounced, nor upon the manner in which some orators have spoken of France and of its alliance. France is too conscious of its own power and dignity not to disdain a language which Switzerland herself, doubtless, would be far from uttering. But you will repeat to the Vorort that it is desired here to know, does Switzerland pretend, under the cloak of hospitality, that she can receive within her bosom, and encourage with her protection, intrigues and intentions openly avowed, which have for their object to disturb the repose of a neighbouring state? Where is the man of good faith who will admit that Louis Buonaparte is a naturalized Swiss, a citizen of Thurgovia, while he pretends at the same time to reign in France? Has Switzerland the right to allow enterprises to be formed in her territories, which, although devoid of all serious chance of success, may have for effect, as in the month of October 1836, that of causing a great political

The Diet, on the 3rd of September, came to the resolution to adjourn the discussion of the subject to the 1st of October, probably in the hope that the affair might be adjusted in the interval, though the professed object of the delay was to allow time for the deputies to receive special instructions from their constituencies.

Of the twenty-two cantons, one of the most considerable, Argovia, was the first to reply to this appeal. The Grand Council of that state resolved, on the 7th of September, by a majority of 105 to 55, to direct the deputation of their canton to "protest with force and energy against those pretensions of France, as injurious

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scandal, and of exciting some enthusiasts or dupes? It is impossible that the public good sense should not do justice in Switzerland, as elsewhere, to the argument that they oppose to us, founded on the rights of citizenship granted to Louis Bonaparte by the canton of Thurgovia. Has Louis Bonaparte observed the condition required by the 25th article of the constitution of that canton? Has he renounced France, his former country? If he has done so, how are all his most recent acts and conduct to be explained,—the pamphlet of Laity, the mission he had given to Laity, and the letter found at the house of that person?

"Would it not be trifling with all truth for him to call himself by turns, according to circumstances, Swiss or French—French to attempt to disturb the repose and the happiness of France—Swiss to preserve the asylum which, after having failed in his culpable attempt, is accorded to him to enable him to concoct his new intrigues, and to prepare for new efforts? Louis Bonaparte has sufficiently well proved that he was not accessible to any sentiment of gratitude, and that the most extreme patience on the part of the French Government would but confirm him in his blindness and embolden him to engage in new plots,"

in a high degree to the rights of man, and to existing treaties."

At this period, however, Louis Bonaparte very properly came to the resolution of withdrawing himself voluntarily from the people who seemed ready, at all risks, to persevere in their hospitality.

On the 22nd of September, he desired the Landammann of Thurgau to inform the Vorort, that he should set out as soon as he could obtain the necessary passports. He should "never forget," he said, "the noble conduct of the cantons that had so boldly pronounced in his favour, and, in an especial manner, the generous protection granted to him by the canton of Thurgau would ever remain deeply engraven in his heart."

France, in the meanwhile, was making active military preparations, and a considerable force, under General Ayma, was collected upon the Swiss frontier. Switzerland, on the other hand, summoned her hardy population to arms, who evinced no backwardness to obey the call. The Cantons of Geneva and Vaud, which, from their position, were more immediately interested, were also foremost in their martial zeal. The city of Geneva was, with all diligence, put into a state of defence; and as all the artisans and tradesmen had abandoned their proper occupations for the military service, the shops were closed, and the traffic of that flourishing rendezvous of travellers was almost entirely suspended.

The Canton of Vaud, from a population of 200,000, assembled 20,000 men under arms. Berne also, mindful of its ancient character, voted large levies, together with a grant of money, considerable for that poor country;



with the exception of the Prussian Canton of Neuchâtel, all the western cantons prepared for immediate war. The event of the conflict could not be doubtful, when there was so great inequality between the parties: nor do the Swiss seem to have been blind to what, in all human probability, must have been the event: nevertheless inspired, as they were, with their ancient spirit of patriotism, and relying on the goodness of their cause, they made ready, earnestly, and without boasting, for the impending struggle. But the determination of Louis Bonaparte to retire to England, released the cantons from their painful situation; and when the Diet assembled, on the 1st of October, according to appointment, it was understood that all danger of a rupture with France was at an end.

The Diet lost no time in proceeding to business. After some preliminary discussion, the President, M. Kopp, invited the Deputies to communicate their instructions to the Assembly. M. Hess, of Zurich, was the first to rise. He said, that the Grand Council of that canton was on the point of voting instructions, when it received a copy of the letter addressed by Louis Bonaparte to the Thurgovian Government. In this state of the case, it did not appear to be necessary to take further measures, as the question was already set at rest. M. Hess, therefore, suggested, that the Vorort should be requested to communicate that letter officially to the French Government.

M. Neuhaus, of Berne, informed the Diet, that he was instructed to meet the demands of France with a decided negative, at the

same time, that he was authorised to concur in any measure tending to preserve the ancient amity between the two states, provided it involved nothing derogatory to the national honour. But he thought that, regard being had to the hostile attitude of France, who was lining their frontiers with her battalions from Bâle to Geneva, it would be better to postpone the discussion, until after they should have made arrangements for the defence of the country; and he, therefore, moved that the federal military committee of inspection should be immediately convoked.

The Deputies of some of the cantons, Friburg, for instance, while they were little disposed in favour of the Prince, expressed themselves as highly indignant at the arrogant tone assumed by France, and equally ready with Berne, Vaud, Zurich, or Geneva, to vindicate the national honour, without reference to the particular occasion of the dispute. Others, including Uri, Unterwalden, Schweitz, Bâle (city) Ticino and Neuchâtel, not only alleged, that Louis Bonaparte, by his political intrigues and pretensions to the throne of France, had forfeited a title to the name of a Swiss, but thought it besides very desirable to avoid, at any price, the displeasure of the French Government.

The deputy of Schaffhausen was instructed to require from the Prince an express renunciation of his rights to French citizenship. After this declaration should have been made, he was prepared to vote for resisting the demands of France. This view of the case was also taken by the member for the Valais. The remaining Cantons sunk all other considerations in their resentment of the offensive

conduct of their powerful neighbours: amongst these, the members for Vaud and Geneva, M. M. Monnard and Rigaud, seem to have taken the lead.

After a discussion of upwards of eight hours' duration, the Assembly proceeded to vote on the following questions, submitted to it by the President:—

1. For the proposition of Berne, having for its object to convoke the Federal Military Committee of Inspection,—Zurich, Soleure, Schaffhausen, St. Gall, Argau, Valais, Geneva, Vaud, Thurgau, Apenzel (Exterior), Basle Country, Friburg, Glaris, Berne, Lucerne—13 states and two half-states, having voted in its favour, it was adopted.

2. For the appointment of the committee recommended by the deputy of Zurich—Zurich, Uri, Unterwalden, Zug, Soleure, Schaffhausen, Ticino, Argau, Geneva, Valais, Neufchâtel, Vaud, Thurgau, Grisons, Apenzel (Exterior), Basle, Friburg, Glaris, Schweitz, Berne (19 states and a half)—adopted.

3. For an invitation to the Vorort to take the necessary steps for obtaining a passport for Louis Napoleon—Zurich, Soleure, Schaffhausen, Argau, Ticino, Geneva, Neufchâtel, Vaud, Thurgau, Grisons, Apenzel (Exterior), Basle, Friburg, Glaris, Schweitz, Berne (15½ states)—adopted.

The Diet afterwards proceeded to appoint the seven members of the committee. The deputies chosen were M. Kopp, President of the Diet (Lucerne); M. Hess, of Zurich; M. Neuhaus, of Berne; M. Bourckhardt, of Basle; M. Schmid, of Uri; M. Monnard, of Vaud; and M. Rigaud, of Geneva.

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We subjoin below the answer to the demands of France, which after some discussion, and a few slight modifications, was, October 16th, voted by eighteen states and a half; having been objected to by four—St. Gall, Argau, Thurgau, and Basle (country)—as not being sufficiently energetic in its terms.\*

The Diet, on the 8th, proceeded to take into consideration the report of the military committee, who recommended that two corps of observation, amounting together to 20,000 men, should be immediately extended along the frontier from Bâle to Neufchâtel, and from thence to Geneva.

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\* "When the Grand Councils of the Cantons were called upon to deliberate on the demand of the Duke de Montebello, their votes were divided on the position of Louis Napoleon Bonaparte, and on the question of his nationality, but not on the principle that a demand for the expulsion of a Swiss citizen is inadmissible, as being contrary to the independence of a sovereign state. Since Louis Napoleon Bonaparte has taken public steps for his removing from the soil of the Confederation, and the Federal Directory has taken measures to facilitate his object, any deliberation of the Diet becomes useless. Faithful to the feelings which for centuries have united her to France, Switzerland cannot hinder herself from frankly expressing the painful surprise caused her by the hostile demonstrations made against her, before the Diet had been assembled to deliberate definitively on the demands addressed to it. Switzerland desires, as much as France can do, that complications of the same nature may not recur, and that nothing may in future interrupt the harmony existing between two countries so allied in their recollections of the past and in their interests. She indulges in the hope that she may see promptly re-established and consolidated between the French and Helvetic nations the relations of good neighbourhood and ancient reciprocity of affection that formerly existed."

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This proposition was opposed by the Deputies of the Cantons, composing the league of Sarnen,\* who saw no necessity for the measure, and dwelt upon the impolicy of provoking a rupture with France. The other cantons (with the exception of the Grisons, whose deputy did not vote) supported the recommendation of the committee, which was accordingly carried.

But as Louis Bonaparte, whom these proceedings on the part of the French Government were investing with the dignity of a pretender, quitted Switzerland on the 14th of October, this embarrassing affair was brought to a pacific termination. The exile betook himself to England, where he still continues to reside; and the relations between France and the Helvetic confederation resumed their ancient footing.†

In the course of the autumn, the

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\* Uri, Schweitz, Unterwalden, Ticino, Neuchâtel, Zug, and Bâle (city).

† The following reply is said to have been returned by the authorities of Friburg, to a demand addressed to them by the British Government, for the expulsion of the Pretender Charles Edward, who sought an asylum in that canton after the battle of Culloden.

“To Mr. Barnaby, Knight, and Chamberlain to his Majesty the King of Great Britain, and his Minister in Switzerland.

“Sir,—The letter which you took the trouble to address to our Upper and Lower Councils of the 8th inst., appears to us to be so unmeasured in its expressions, and so little agreeable towards a sovereign state, that we did not think it obligatory on us to answer it, otherwise than to acknowledge its receipt. Sir, we advise you to inform yourself respecting the constitution of our state and its sovereignty.

Sir, the most affectionate at  
your service,

THE PRESIDENT AND COUNCIL OF THE  
REPUBLIC OF FRIBURG.

Friburg, Sept. 10, 1748.”

Count de Bombellas, the Austrian envoy, enclosed to the President of the Diet a copy of a despatch which he had received from Prince Metternich, complaining in strong terms of the revolutionary intrigues which were constantly kept alive within the Swiss frontier; and hinting that, unless the confederation abated the nuisance, Austria would be compelled to enforce the observance of her rights by a resort to “the material means” at her disposal.

On the 18th of January, the Chamber of Deputies of Wurtemberg discussed the conduct of the King of Hanover, and after a long debate, a resolution was carried declaring, that his Majesty the King of Hanover, in abrogating the constitution of that kingdom, had committed an act which affected the legal condition of all Germany.

It may be remembered that the Chamber of Baden had come to a similar resolution in the preceding year. On the 5th of March, M. d'Itztein, after reminding the ministers of that declaration, enquired if the envoy of Baden at Frankfort had been instructed to offer a protest in the Diet against the proceedings of King Ernest.

To this M. de Blittersdorf, the minister for foreign affairs, replied, that it was out of his power to answer a question altogether foreign to the purposes for which the assembly had been convened. The chamber was not competent to interfere with the domestic concerns of other countries, but he begged to assure the deputies, that, in case the affairs of Hanover should be brought under consideration in the Diet, the sovereigns of Germany would not be remiss in their duty towards their subjects,

The majority of the Assembly, however, were of a different opinion. They contended, that the whole of Germany was interested in the Hanoverian question; and, in spite of the attempts of ministers to give a different turn to the discussion, the motion of the last year was again carried unanimously.

M. de Rottick then charged ministers with refusing to permit a subscription to be opened in behalf of the exiled Gottingen professors; and also with prohibiting a bookseller from publishing a vindication of the Archbishop of Cologne. But, upon M. Winter, the minister of the Interior, declaring that it was merely to a public subscription that the Government had objected, and that, with respect to the Cologne controversy, the measure

complained of had no existence, M. de Rottick declared himself satisfied.

A curious but scarcely credible story, much to the disadvantage of the Duke of Saxe Cobourg Gotha, brother of the King of the Belgians, was current at the beginning of the year. This prince was charged with having issued a coinage of base value, which passed extensively throughout Bavaria, and the grand-duchy of Hesse. These governments, when they became aware of the fraud, of course prohibited the circulation of the base money; but the Duke of Saxe Cobourg himself did the same, and actually prohibited the use of his own coin in his own dominions, so that the neighbouring states were unable to get rid of it.

## CHAPTER XXII.

AUSTRIA—*Expulsion of the Protestants from the Ziller-thal—Transylvania—Treaty between Great Britain and Austria—Effect of the Fourth Article—Policy pursued by Russia at the mouth of the Danube—Importance of the free navigation of the Danube to Austria.*—PRUSSIA—*Commercial league—Archbishop of Cologne—Archbishop of Posen—King of Prussia's proclamation to the inhabitants of Posen—Law for the regulation of Railways.*—CRACOW—*Convention of the Diet.*—ITALY—*Coronation of the Emperor Ferdinand at Milan—Amnesty for Political Offences—Address of the Pope to his consistory respecting the affairs of Cologne and Posen.*—SWEDEN and NORWAY—*Concession of national flag to the Norwegians—Removal of Jewish disabilities in Sweden—Riots at Stockholm—Treaties with Russia and Greece.*—RUSSIA—*Circassian War—Relations of Great Britain and Russia.*—TURKEY—*Reforms introduced by the Sultan—Redschid Pacha—Sultan's taste for Building—Commercial treaty with Great Britain—Pacha of EGYPT refuses to pay tribute to the Porte.*—MOLDAVIA and WALLACHIA—*Organic statute—Interference of Russia in the affairs of Wallachia.*—GREECE—*Unpopularity of the Bavarians—Violence of the Press—Council of State recommend the raising of an Hellenic Army of 8,000 men—Laws for controlling the Licence of the Press—Resignation of M. Rudhart—New Ministry—Expensive scale of the Establishments—Amount of the Revenue.*

THE Austrian empire is among the most extensive and powerful of Europe; yet, perhaps, there is hardly any of its neighbours, however otherwise insignificant, that does not commonly afford more matter for our historical compilation. A religious contest, in which that government has involved itself, with an inconsiderable portion of its subjects, may be said to form

the most interesting topic in its annals for the present year. The general outline of the affair, we believe to be as follows:

In the year 1825, a hundred families, comprising about 440 souls, inhabitants of the valley of the Ziller in the Tyrol, thought proper to become separatists from the Roman Catholic Church, and to constitute themselves an inde-

pendent sect, acknowledging no authority in religious matters, except the Bible. At the time that this secession took place, the bishops of Brixen and Inspruch requested the interference of Government. This, however, was not afforded till several years afterwards, previously to which, two Prussian missionaries had, as it is alleged, made their appearance in the Tyrol, and converted many of the people to Protestant doctrines. The Austrian Government then signified to the dissenters of the Ziller-thal, that, unless they were prepared to return to the Catholic Church, they must quit that part of the empire, but that they were at full liberty to migrate to other districts in which non-Catholic communities already existed. It seems not to be denied, that, upon a strict construction of the thirty-sixth article of the treaty of Westphalia, these proceedings of the Austrian Government were not open to question as a matter of right. When, however, as was to be expected, it was found that these poor people were reluctant to quit their native mountains, the Austrian Government always averse to violence, resorted to the no less effective expedient of a denial of civil rights. At the same time, it prohibited the public celebration of their religious ordinances, and in fact, as it is stated, accumulated upon them every kind of vexation, until at length, worn out by this kind of persecution, the Protestants of the Ziller-thal applied for permission to migrate to Prussia. This being readily granted by their rulers, they proceeded, upon special invitation of the Prussian Government, into Silesia, where they ultimately settled near the town of Schmiedeberg.

It is clear, that the Austrian Government must have had strong motives for its conduct in this matter. Nor can we help suspecting, that a spirit of disaffection must have become apparent in the Tyrol, which sheltered itself under the garb of religious dissent. It has, indeed, been insinuated, that the whole affair was the result of Prussian intrigue; and in corroboration of this suspicion, it is remarked, that the Austrian Government displayed no readiness to molest the schismatics of the Ziller-thal, until they had begun to form a nucleus for political, no less than for religious dissent. So that, according to this view of the case, Prince Metternich exercised his usual address, in not only clearing the empire of a dangerous germ of disaffection, but in contriving to throw it off upon the very government which had fomented its existence.

The Montenegrins, one of the half-barbarous Sclavonian tribes, who dwell between the Danube and the Adriatic coast, have been of late affording much trouble to their Austrian, as well as their Turkish, neighbours. In number not exceeding 40,000 souls, but brave and warlike to a degree, they are supposed to be acting under the covert instigation of Russia, with whom they are co-religionists, and whose agents have always exercised considerable influence amongst their leading people.

The Transylvanians are said to have at length wrested from the cabinet of Vienna, the privileges for which they have been long contending, and we learn, that the diet of that province has obtained the right both of appointing public functionaries, and of constitutionally controlling their acts. Three years before, the assertion of these



pretensions on the part of the Assembly had been the cause of its dissolution.

A very important treaty was this year concluded between Great Britain and Austria, thus further cementing the ancient and natural alliance between two countries of whom, it has been remarked, that, for 150 years, they have always had the same enemies, though those enemies have not been the same. If any estrangement may seem to have recently subsisted between these two powers, it is ascribable rather to the altered state of our domestic politics than to any change in the relations which necessarily unite them.

The treaty of Worms, which was signed as far back as 1743, between Austria, Great Britain, Holland and Sardinia, contained an article not only confirming "to the subjects of Great Britain the advantages of commerce and navigation, which they then enjoyed in the respective states," but promising, "to grant other advantages as far as it should be judged practicable, by an especial treaty of commerce and navigation, whensoever his Britannic Majesty should require the same." This special treaty was never concluded, but, in 1829, a convention was executed between Great Britain and Austria, which, as far as it went, was based on principles of commercial reciprocity. The British possessions in the Mediterranean were, however, expressly exempted from its operation, and it was, moreover, limited to a duration of ten years. In 1830, and 1831, orders in council were issued for the purpose of giving due effect to this convention. But in the course of the year, with which we are at present occupied, a new treaty

was concluded between the two powers. Its provisions appear to be wise and beneficial, and as such, to promise advantages in a political, no less than in a commercial point of view; among these, may be reckoned as not the least valuable, a renewal of our former relations with the court of Vienna. This important document will be found in the Appendix, but some of its principal provisions may be mentioned here. It places the vessels of both countries on a reciprocal footing in all respects, and freely opens Gibraltar and Malta to the Austrian flag.\* The fourth article deserves more particular notice, as possibly involving important political consequences.

All Austrian vessels arriving from the ports of the Danube as far as Galatz inclusively, are together with their cargoes, to be admitted to British ports, exactly in the same manner, as if such vessels came direct from Austrian ports. And the same privileges are extended to British vessels entering or departing from such ports.

Now, it is to be remembered, that the Danube from Orsova to Galatz, flows through the territories of a third power, not a party to the treaty. This river, as our readers are aware, is virtually divided into two by the cataracts of the Iron-gate, which are situated below Orsova, and offer an almost insurmountable obstacle to ordinary navigation. Below the cataract, Austria has no port, and the effect, therefore, of the fourth arti-

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\* At the end of 1838, the number of merchant vessels belonging to Austria was 498, the tonnage being 122,844, besides 15 steamers.

cle is, that the ports of Moldavia and Wallachia are brought within the scope of the treaty. But it is the scarcely disguised policy of Russia, whose influence in these two provinces is at present paramount, to throw obstacles in the way of the navigation of the Danube. And how much it lies in her power to give effect to her inclinations, will appear from the facts which follow.

By the third article of the treaty of Adrianople, it was agreed, that the Pruth should continue to form the limit of the Russian and Turkish empires, from the point at which that river touches the territory of Moldavia down to its confluence with the Danube. The latter river having, it will be recollected, three main mouths forming a delta; Kili, Soulineh, and St. George. It was further stipulated, that the frontier should follow the St. George, which is the Southern channel. The left bank and the entire delta were thus abandoned to Russia, which power, however, agreed, that no other than quarantine establishments should be erected on the Delta, and that the left bank should remain uninhabited to a certain distance.

The article then proceeded thus, "The merchant vessels of the two powers shall be free to navigate the Danube along its whole course, and those bearing the Ottoman flag may enter freely the *embouchures* of Kili and Soulineh, that of St. George remaining common to the vessels of war and merchantmen of the two contracting powers. Unfortunately, however, for Turkey, the St. George is so shallow, that it will not admit vessels of war of any description, so that

the effect of the arrangement is, that none but Russian ships of war can enter the Danube. Nor was Russia content with this characteristic stroke of policy. She has taken care to let the sand accumulate at the mouth of the Soulineh, or middle channel; and, in a short time, it is probable, that it will cease to be navigable to vessels of any considerable burden.\*

On the other hand, it is evident that the free navigation of the Danube is of vital importance to Austria; it is all that is wanting to develope those pregnant elements of commerce and civilization which are now fermenting in Hungary, and which, nourished as they are by a generous, though tempered, ardour for free institutions, promise, at no very distant day, to vindicate to the people of that kingdom a place in the European system very different to that which they have hitherto occupied. Nor should it be forgotten, that the freedom to which this chivalrous people seem to aspire is not the vulgar democratic dream which so much delights the shallow thinkers of modern Europe. All they require is a fair development of the institutions which they already possess, and which, like those of feudal England, contain in themselves the germs of indefinite progress.

The Hungarian aristocracy is said to bear a striking resemblance to our own in many respects, while England and its institutions

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\* It has been proposed to avoid the delta of the Danube and the obstructions offered to commerce by the Russians, by cutting a canal from Rassova, thirty miles below Silistria to Kustjendé on the Euxine.

are the unvarying theme of their admiration. And if they are *liberals*, they are of an order of which it is probable even the political ruler of Austria appreciates the value.

In the meantime, we cannot disguise our satisfaction at the apparent recurrence to the ancient and sound doctrines respecting the balance of power in Europe, which is, as we think, discoverable in the treaty under consideration. With modern politicians it has, indeed, become the fashion to assign to constitutional, rather than territorial relations, the determination of the political affinities of nations. Such considerations may, doubtless, during a period of revolutions and domestic dissension, exercise a momentary, though powerful influence; but in the end, the old system, founded on the nature of things, must revive, and the states of Europe form their alliances in accordance with their material interests and their geographical position, rather than their respective forms of Government, or the alternating predominance of internal factions.

We believe that the treaty with England has given great satisfaction in Austria. Soon after its promulgation, Prince Metternich was received with acclamations on the exchange at Trieste. It has even been stated, that a project is on foot for putting the entire commercial regulations of Austria on a new footing, and that the most enlightened and comprehensive views on those subjects are beginning to prevail in the Imperial Councils.

But if Austria and England have embodied in a commercial treaty, principles which may lead to great

political results,\* on the other hand, PRUSSIA, whose tendency, perhaps, is rather to lean to Russian support, has been unremitting in her exertions to consolidate firmly the commercial league of North Germany. This, it is known, has been for some years past the object of her especial policy; and, however questionable some of its provisions may seem, in a strictly economical point of view, its accomplishment must be looked upon as a masterpiece of diplomatic skill and perseverance.

The commercial league of Germany† comprises the territory between the Baltic and the Niemen, and the Alps and the lake of Constance, and consists of four kingdoms, one electorate, three grand dukedoms, and more than twenty smaller states, containing a population which exceeds that of the British islands. The annual revenue of the confederate states, exclusive of that derived from crown domains, amounts to 16,867,500*l.* sterling, and consisting in the main of the produce of Custom-house and Excise duties.

The grand-duke of Hesse-Darmstadt was the first of the German sovereigns to accede in this respect to the views of Prussia; Bavaria, Wurtemberg, and Saxony followed; and, after a considerable struggle, the free city of Frankfort, was brought into the league. Baden, whose Parliament ranks high amongst the representative

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\* A very interesting article on the Austrian treaty may be found in a recent number of the "British and Foreign Review," a work which abounds with valuable information on foreign affairs.

† See Foreign Quarterly Review, No. xliv. vol. 22.

assemblies of Germany, made a still more energetic resistance to the influence of Prussia, but the diplomatists of the latter country found means to work upon the grand-duke, and finally to obtain his consent.

The states of Hanover, Oldenburg, Hesse Cassel, and Brunswick, were already united in a league of their own; but Prussian intrigue found means, it seems, to seduce Cassel from its commercial allies; and, perhaps, it is not from any personal disinclination on the part of its ruler, that Hanover has not as yet come into the confederacy.

The troubles in which the contumacy of the Archbishop of Cologne had involved the Prussian Government, continued to embarrass it during the year; and as that prelate is countenanced by his Holiness at Rome, and backed by the Roman Catholic clergy in Prussia, there seems to be little present probability of his submission. His conduct throughout has, we fear, been marked by great duplicity, and may furnish another instance, if such were wanting, of the strange laxity of moral principle (in the common acceptation of the term), not unfrequently manifested by the hierarchy of his church, wherever ecclesiastical interests are involved. The example of the Archbishop of Cologne has been followed by the Archbishop of Posen, who having openly declared his concurrence in the views of the former prelate, and recommended them to his clergy, has been also suspended from his functions, and placed under arrest. The inevitable consequence of these proceedings was a great deal of turbulence and disaffection in the Catholic provinces. When the

priests in Posen were summoned to deliver up the letter, whereby the archbishop had commanded them to refuse the marriage benediction in cases of mixed marriages, except on the terms mentioned in the last volume, they, for the most part, refused, while some actually posted it over the altars, and dared the authorities to remove it at their peril. Nor in the meantime were the pulpits silent, or the influence exercised through the confessional neglected. The king, therefore, found it necessary to issue a proclamation, dated the 12th of April, assuring his Catholic subjects of the duchy, that it was his most earnest endeavour to preserve to them the freedom of religious belief and conscience, maintained and exercised by their forefathers, and menacing with severe punishment those who by false representations should impress them with the contrary notion. At the same time, the suppression of the circular letter, addressed by the archbishop to his clergy, was ordered, and full protection promised to such of them as should continue to celebrate marriages according to the established usage.

At the close of the year, a law for the regulation of railway companies was promulgated in Prussia. It seems to contain many wise provisions, and has evidently been framed, after a careful inspection of what is passing with respect to these undertakings in England.

CRACOW.—On the 6th of December, 1837, the President of the Diet of this little republic addressed a circular letter to the members of that body, to the effect, that the "Protecting Powers" had informed him, through the medium of their residents, that the circum-

stances which led to the prorogation of the Diet had ceased to exist ; and that they were at liberty to meet in December for the despatch of public business.

It is an melancholy fact for ITALY, that the coronation of the Austrian Emperor at Milan is almost the only event which demands a place in our annals of that richly-gifted, but ill-fated country. Their imperial Majesties, with the royal family, entered the capital of Lombardy, in state, on the 1st of September ; and, on the 6th, Ferdinand the First was solemnly invested with the iron crown. The coronation rites seem to have been performed amidst the display of an almost Barbaric splendour ; but more interesting than the rites themselves, was the appearance of an amnesty remitting the remainder of their punishment to all the individuals belonging to the kingdom of Lombardy, who had been condemned for political offences. By the same act of grace, all state trials were suspended ; political *surveillance*, for the present, was to cease, and whatever persons had been forced to fly the country for political reasons, were encouraged to make application to the Government for permission, either to return, or to remain abroad, as they might themselves prefer.

ROME.—It is some time since the Chancery of the Holy See has been called into action by a public dispute with a foreign potentate ; but notwithstanding this, the desuetude of her ancient weapons, Rome still holds them to be of some force : at least, in his controversy with Prussia, concerning the archbishops of Cologne and Paderborn, the Pope seems disposed to take, if not the tone, something the ground so often vindicated

by his more powerful predecessors in the chair of St. Peter. In an allocution to his consistory, occasioned by the foundation of a new bishopric in Algiers by the French, his Holiness deviated into an attack upon the Prussian Government, of which we subjoin below the more important passages.\*

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\* “ Let us pass over many facts of the kind, in order to dwell on the injustice done to our venerable brother Martin, Archbishop of Gnesen and Posen ; that prelate was afflicted at seeing introduced, by the civil law, a mode of concluding mixed marriages contrary to the doctrine and discipline of the Catholic church. Not being able to tolerate this any longer, he wrote letters to that effect to the King's Ministers, and to the King, and demanded, after expounding his reasons and his anguish, to the purport that the matter was solely ecclesiastical, that he might be permitted to follow the rules laid down for the clergy of Poland, by Benedict XIV., in 1748. In case this was refused, he begged to consult the Holy See. Neither of his demands was accorded. What must have been the pious prelate's anxiety ! He then learned that we had publicly censured, before you, on the 10th of December, the mode of concluding mixed marriages in Prussia. He thought it his duty to delay no longer, and by a circular, forbade the clergy of his diocese, under pain of excommunication, to grant the ceremonies of the church in case of mixed marriages, unless the formalities required by the Holy See had been complied with ; and he states this in a respectful letter to the King, declaring that, after the oracle uttered here, he durst not act otherwise than he had done. The consequence of such sentiments being announced by the prelate, was the application to the province of Posen, of the royal decree, forbidding all communication with Rome, and declaring that arrest and punishment should follow any infringement of such order. Moreover, on the 25th of June, a ministerial edict declares the Archbishop's circular to be null, denouncing penalties on the ecclesiastics who obeyed it, and promising the civil

We shall only observe upon this document, that while the spirit which it expresses continues to animate the councils of the Vatican, it is not surprising that all the efforts of Prussia to come to an accommodation, upon rational principles, have been unavailing.

**SWEDEN and NORWAY.** — It may be remembered that one of the matters in dispute between the King of Sweden and his Norwegian subjects concerned the use of their national flag by the latter. The King, at length, conceded the point so far as to allow Norwegian vessels to carry their ancient flag, instead of the Union colours, when beyond Cape Finisterre, and in other more remote seas.

By a royal ordinance, the Jewish disabilities in Sweden have been, to a considerable extent, removed; and the people of that persuasion are placed on an equal footing with the rest of the nation, subject only to the restrictions imposed by the laws of Sweden on persons born in foreign countries or adherents to a foreign religion; and also to a

special disability from purchasing landed property, without the King's permission. They are, likewise, required to support their own poor, paying, at the same time, their full share of the local contributions for the relief of the poor generally.

Serious riots occurred in the streets of Stockholm during the summer, arising out of the apprehension and conviction of a M. Von Crusenstolpe for an offence of the press; nor was tranquillity restored, until many of the populace had fallen under the fire of the military.

On the 26th of April, a treaty of trade, navigation, and friendship, was concluded between Sweden and Norway, and Russia. A similar treaty with Greece was also agreed upon.

**RUSSIA.** — The Russians seem to have made little progress during the year in the unsatisfactory war which they are waging with the Circassians. With the exception of their fortified posts upon the Euxine, they have still no footing whatever in the country, and since an insurrectionary spirit seems to prevail very extensively amongst the Caucasian tribes in general, it is probable that this exhausting contest may continue for some time to come, on the south eastern frontiers of the empire. The Emperor has lately made a progress through this part of his dominions, and, with the assistance of a steamer, contrived to visit his troops in Circassia and the Caucasus. These, it is stated, we know not how correctly, amounted, in the summer of the year, to little short of 111,000 men, under the command of Generals Golovine and Grabbe. The blockading system which Rus-

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succour of the Government to all who should incur the Archbishop's displeasure by obeying him; and all this in the face of public promises that liberty of conscience and religion should be respected in the Government of Posen. These acts of the Prussian Government separate a province from the centre of Catholic unity, and tend to destroy the form of the Church, and the nature of its government. It is thus that a power of the age can succeed in dominating the Church. 'All the Church, and all its members, ought to have recourse to its principal seat,' declares Irenæus, and he who seeks to introduce another form of church government 'labours to establish a human church,' as St. Cyprian said."



sia has attempted to carry into effect upon those coasts, met with more than one severe check, during the year, from the tempestuous weather, which literally strewn the shores of the Black Sea with the wrecks of her navy. Extensive desertions are also stated to be constantly taking place, and, on one occasion, 300 Cossacks, with their officers, horses and baggage, passed over in a body to the enemy.

In the summer, the Emperor passed some time in Germany. It may be mentioned as illustrative of the temper of the court of St. Petersburg, that during the last eight years, not a single Russian subject has been presented by the Russian Ambassador at the court of the Tuileries, where, if any such appeared, it was by the express invitation of the king, and with the tacit consent of the ambassador.

The contest between Great Britain and Russia, though it has not yet passed its diplomatic stage, is yearly assuming a more defined character. With the little information at present possessed by the public, it would be futile to offer an opinion upon the policy which has been pursued by Lord Palmerston in the East; but we are bound to say that, according to present appearances, he should seem entitled to much credit for what he has effected in that quarter. As events are now rapidly developing themselves, it may be possible, in a year or two, to give a connected account of the occurrences which now reach us only at intervals, and in partial detail, at the best, of doubtful authenticity. Meanwhile, it is clear, that the difficulty of adjusting the conflicting pretensions of Egypt and

the Porte is becoming greater and greater, and that it requires the united address and firmness of the French and British diplomatists to prevent the two powers from coming to an actual collision; an event which probably Russia does not feel that she has any particular interest in averting.

It might, indeed, be thought, that in her Eastern policy, England had taken a lesson from her great antagonist. Within a short period of time she has obtained possession of Aden, upon the Straits of Babelmandel, at the South Western extremity of Arabia; has occupied Karrak, in the Persian Gulph; and has marched an army into Afghanistan, with the avowed purpose of counter-acting the designs of Russia and extending her own influence amongst the chiefs of that important territory. Nearer home, she is carrying on a constant, and, as it should seem, not altogether unsuccessful struggle in the wavering cabinet of the Sultan; and, upon the whole, is rapidly disentangling herself from the false position into which she had been thrown by the manner of her interference in the Greek war of independence. On the other hand, Russia seems to have regained her ascendancy in the cabinet of the Schah of Persia, and the expedition which, in defiance of the remonstrances of the British Government, that monarch conducted against Herat, is understood to have been set on foot at her instigation.

TURKEY.—It may, perhaps, admit of doubt how far the attempts of Sultan Mahmoud to convert his Moslem subjects into civilized Europeans are calculated to arrest the decay of the Ottoman empire;

but it seems unquestionable that, considered by themselves, his reforms are wisely conceived and executed with great intrepidity and success.

The suppression of the proverbial venality of the Turkish functionaries may be mentioned amongst the amendments recently attempted by this active monarch. Not content with directing empty prohibitions against the practice, he has endeavoured to give effect to his views by increasing, to a considerable extent, the salaries of the public servants; at the same time, severe enactments have been framed against official malversation, and a council of state appointed to carry them into effect, and to investigate and adjudicate upon all charges preferred against public functionaries. The revolting duties of the Capidji Bashi, the executioner of disgraced public servants of eminence, are also said to have been abolished. A still more important improvement was probably contemplated in the transfer of the office of collecting the revenues from the speculators, who formerly farmed them, to the municipal officers annually elected by the inhabitants of the respective districts. In a corresponding spirit of wisdom, the abolition of all taxes upon food and other articles of primary necessity was determined upon, the loss thereby occasioned to the revenue being supplied by an increase upon the import duties. Various other fiscal regulations, which appeared in the official gazette in the course of the Autumn, are entitled to notice. Of these we may mention the following instances. An exact statement or balance sheet of the revenue is to be prepared. Every

tax unauthorised by the ancient canons is abolished. The high officers of state are now taxed alike with the rest of the people, and all privileges of exemption from the common burdens cease. A committee, composed of men of acknowledged probity and intelligence, is to be appointed for the purpose of making a new assessment throughout the empire; the amount of individual contributions being settled annually, and entered in the public register of each municipality. The confiscation of private property will no longer be permitted, and, in no case is it henceforward the intention of the government to appropriate to itself the possessions of its subjects, except on the death of persons without heirs.

But one of the most beneficial of these innovations is the introduction of senatorial laws, a measure, which, as it seemed foreign to the genius of the Mahometan religion, and, indeed, a violation of the express precepts of the Koran, encountered a powerful resistance from the Mussulman theologians. For these, and other enlightened schemes, Turkey is indebted to Redschid Pacha, late minister for foreign affairs, who, during the year, presided over the councils of the Porte. Through the most determined perseverance, the same statesman has accomplished the destruction of the monopolies which paralyzed the resources of the country. With a view to a general reform of the laws of the empire, a board, called "The Council of Material Interests," has been formed by Redschid, and in communication with this council, travelling commissioners have been despatched into various parts of Europe.

Amongst the favourite objects of

the Sultan, may be reckoned the embellishment of his capital. Under his auspices and encouragement, mosques, palaces, and other large edifices, of all descriptions, are rising in great numbers; and it is stated to be the popular belief, that his highness is the more prone to the indulgence of his taste, by reason of a current prediction, that he is doomed to die as soon as these improvements come to a stand.

Not the least important result of Redschiid's administration was a commercial treaty, executed in the autumn, between the Sublime Porte and Great Britain, and which, while it professed to place the mercantile relations of the two countries on a new footing, seemed likely to strengthen their political connexion.\*

Late in the year, Redschiid Pacha, being appointed ambassador to Great Britain, left Constantinople and proceeded through Berlin and Paris to London.

Meanwhile, the breach between the Sultan and his nominal tributary, the Pacha of Egypt, continued to widen, and it was with great difficulty, that the collision, which seems ultimately inevitable, was averted for the moment. Early in the summer, Mehemet Ali intimated his resolution to pay no more tribute to the Porte, an announcement which, as it amounted to an express renunciation of his allegiance, was followed by great military and naval preparations on both sides.

But a formidable insurrection, which, at the close of 1837, broke out in the province of Haouran, in Syria, afforded ample occupation to the Egyptian arms during the

greater part of the following year. In January, Mehemet Pacha, who commanded the troops in Syria, encountered the insurgents in a mountain gorge, and after a severe conflict, his corps was totally routed, and himself, together with many officers of distinction, slain on the field. Nor had the appearance of Ibrahim in person, at the head of large reinforcements, the effect of quelling the revolt, or discouraging these warlike tribes, who are stated to have defeated him with great loss, in another mountain combat, in the course of the spring.

The diplomatic agents of the European powers were, in the mean time, using all their endeavours to prevail upon Mehemet Ali to withdraw his refusal of tribute. They seem to have been so far successful as to persuade him to reconsider it. Perhaps it was with a view to free himself from their importunity, that he set out for Sennaar, with the expressed intention of visiting his gold mines in that quarter, a journey which seems to have excited some speculation.

The provinces of Moldavia and Wallachia are, as it is needless to remind the reader, in a state of double dependence upon Russia and Turkey. The former power extorted from the Porte, for her own purposes, the advantages which the treaty of Adrianople professed to guarantee to the people of these states. In conformity with that treaty, a constitution, called "The Organic Statute," was granted to Wallachia and Moldavia, in 1832. The fundamental articles of this convention related to the election of the Hospodar, to the freedom of commerce, the formation of courts of judica-

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\* See the Appendix.

ture on the French system, the responsibility of ministers, the privileges of the elective assembly, and to many other points of importance.

But Russia, which had been the author of this constitution, soon quarrelled with the assembly of Wallachia, for endeavouring to preserve some little independence in the discharge of its functions. Baron Ruckman, the Russian consul-general at Bucharest, was instructed to demand of this body the introduction of a new article into the organic statute. But the assembly averse to increase the already enormous influence of his government, declined to comply with his request. A breach ensued between the assembly and Ruckman, who, in the end, obtained the dissolution of the chamber from the Hospodar in July, 1837, as was mentioned in the preceding volume.

In the following year, the General Assembly of Wallachia was opened, in the presence of M. Arischi, an agent of Russia, and the bearer of a firman from the Ottoman Porte, commanding the insertion of the article in question. Upon this occasion, it would seem, that the Assembly offered no resistance, yet perhaps its mode of compliance was more significant than would have been its ineffectual opposition. Not a word was uttered by any member present. No question was put to the vote. And to the article as inserted was annexed a minute, stating, that it had been introduced in obedience to a formal order from the Porte.

GREECE.—One of the least popular, however necessary, features of King Otho's Government, consists in the maintenance in the public service of a large body of Ger-

man *employeés*, civil as well as military. Against these strangers the press has of late railed with the greatest virulence, unrestrained by the courts of justice, from which no convictions for offences of the kind could be obtained. In this state of affairs, the King formally submitted to the council of state the question of the expediency of keeping up the present establishment of Bavarian troops. The council unanimously resolved, that the presence of this force would be indispensable until the organization of a national army should be completed; and it added, that the conduct of the opposition press was anti-national and dangerous to public order. At the same time, provision was made for the creation of a purely national army, and a law enacted fixing the effective force of the Hellenic army at 8,000 men of all arms, to be levied by a general conscription, which admitted, however of reasonable exceptions. Nor was the Government backward in following up its denunciations of the press by severe laws of a repressive character. Besides the security of 10,000 drachmas already given by journals, an enactment was framed, requiring that every responsible editor should possess a fortune of 5,000 drachmas in immoveable property; should be at least acquainted with the ancient Greek language; should not be engaged in the service of any individual; nor have been the subject of a criminal conviction. It was provided, moreover, that four convictions for offences of the press, should render the subject of them incompetent to act as a responsible editor.

The publication of this law raised such a storm of discontent,

that M. Rudhart was again driven to offer his resignation;\* which the King, on the 19th of December, 1837, found it expedient to accept, to the great joy of the English party, as well as of the nation generally. On the following day, a royal order appeared, appointing M. Zo-graphos, then Greek ambassador at Constantinople, to the vacant portfolio of Foreign Affairs, and intimating that, in future, his Majesty would himself exercise the functions of President of the council. M. Glaraki, who had been Minister of Foreign Affairs, under the government of Capo d'Istria, succeeded M. Polyzoidos as minister of the Interior; M. Paikos retained his post as Minister of Justice; and M. M. Kriezis, and Lazaris, respectively remained at the Admiralty and the Exchequer.

Thus, to the great satisfaction of the people, the administration of strangers, or the *xenocracy*, as the Greeks termed it, ceased, for the present, to exist.

The establishments of this infant state seem to be considerably disproportioned to its resources or its wants. At the beginning of 1838, the principal departments

stood as follows. In the first place, came the cabinet, divided into six departments. There were besides, a council of state of 38 members; an ecclesiastical synod; the royal household; the high administrative commission, or board of controul, which seems to exercise a superintendence over the entire administration of the state; ten courts of first instance; two superior courts at Athens and Nauplia, besides the areopagus, or supreme court; three tribunals of commerce at Nauplia, Syra, and Patras; the mint; twenty-five colleges; 111 secondary schools; five gymnasias; a normal school and a university.

The kingdom is divided into thirty departments, which are again sub-divided into districts, and *demi*, or *communes*, which seem furnished with a large staff of municipal officers.

The navy of Greece consists of one twenty-gun corvette, and about twenty smaller vessels, mounting, in the whole, 170 guns. The army is composed of 2,744 officers of all ranks, and 9,099 non-commissioned officers and soldiers. The revenue, by which these expensive establishments are to be supported, amounted, in 1837, to 14,911,910 drachmas, about 13,400,000 francs.

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\* Vol. lxxix. 355. M. Rudhart died at Trieste in the following May.

## CHAPTER XXIII.

**UNITED STATES.**—*President's Message—Report of the Secretary of the Treasury—Proceedings in Congress with respect to the Canadian rebellion—President applies for an extension of his powers—General Scott sent to command the New York Militia—Mr. Poinsett's instructions to General Scott—Excitement produced by the affair of the Caroline—President's Message—Mr. Forsyth's letter to Mr. Fox—Debates in Congress—Bill for the preservation of neutrality—Pre-emption Bill—Sub-Treasury Bill passes the Senate and is rejected by the Representatives—Resumption of Specie payments—Issue of Treasury Notes—Growing unpopularity of the Administration Party—Elections—Extract from the Address of Republican Members of Congress respecting Banks—Boundary Question between Maine and Great Britain—War with the Seminoles—Removal of the Cherokees—Remarks on the condition of the Indians in Mr. Poinsett's Report—Refusal of Russia to renew the Convention of 1834—Texian Consul at New Orleans—President's Proclamation concerning the second Canadian outbreak.*—**MEXICO.**—*President's Speech at the Opening of the Session—Change in the Administration—Dispute with France—Blockading Squadron sent to Mexico by that Power—Prince de Joinville—French Envoy goes on board a Man of War—His ultimatum—Reply of the Mexican Government—Insurrections—President's Speech at the Close of the Session—Revolt at Tampico—Memorial of the South-American and Mexican Association—British Government orders a Naval Force to proceed to Mexico.*—**TEXAS.**—*Proceedings of the Legislature.*—**PERU, BOLIVIA, and CHILI.**—*Chilian Expedition against Peru—Capture of Arica and Arequipa—Treaty of Paucapata—Chilian Government refuse to ratify it—Admiral Blanco's vindication of himself—Successes of the Peruvian General Brown, on the Frontiers of Buenos Ayres—Second Chilian Expedition under Balnes—Unpopularity of Santa Cruz—Revolution in Peru and Bolivia—Chilians take Lima and Callao.*—**BUENOS AYRES.**—*Dispute with France—French Grievances—Correspondence between General Rosas, and the French Admiral—Blockade of Buenos Ayres—Meeting of the House of Representatives—Message of Rosas—Vote of the House in favour of resistance.*—**URUGUAY.**—*Civil War*



—*Success of the revolutionary General, Rivera*—*The President Oribe retires*—*Monte Video invested by Rivera*.—BRAZIL.—*Suppression of the Insurrection at Bahia*—*Insurrection in Rio Grande*—*Aggressions of the French*—*Araujo Lima chosen Regent*.—GUATEMALA.—*Anarchy*.—CUBA.—*General Tacon's administration*.

THE Annals of the great federal republic of North America for the year 1838, afford comparatively little matter for historical record.

The President's annual message, for the preceding year, has been given at length in the last volume.

It announced, that "the industry and prudence of their citizens were gradually relieving them from the pecuniary embarrassment under which portions of them had laboured; judicious legislation, and the natural and boundless resources of the country had afforded wise and timely aid to private enterprise, and the activity, always characteristic of their people, had already, in a great degree, resumed its usual and profitable channel."

It spoke with regret of "the abortive efforts made by the executive, for half a century, to determine what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers." And intimated, that the interests of both Great Britain and the United States imperatively required, that this question should be put at rest. The feelings produced by the temporary interruption of amicable relations with France, had been succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. A correspondence, with a view to the establishment of diplomatic relations had been opened with Austria. With Prussia, and the States composing the Commercial League, their political relations

were of the most friendly character. In retaliation for similar conduct on the part of the Portuguese it had been found necessary to levy discriminating duties on the vessels of that nation. With the other European powers an amicable intercourse was maintained according to the opportunities offered. Treaties, promising considerable commercial benefit, had been concluded with Siam and Muscat.

To the quarrel with Mexico, of which an account will be found in the last volume, a good deal of space is devoted.

With respect to the financial part of his subject, the President stated that the balance in the Treasury, on the 1st of January, 1837, was \$45,968,53, constituting, with the anticipated receipts of the year, an aggregate of \$69,468,504, from which deducting the expenditure, a balance of \$34,187,143 would remain, on the ensuing 1st of January. But of that sum, only \$1,085,498 was available, the remainder consisting for the most part, either of sums deposited with the several states, or due from the former deposit banks. But it was anticipated, that no resort to loans, or increased taxation would be necessary to enable Government to meet the current charges of the year. After an ample commentary upon the banking and sub-treasury questions, the president addressed himself to the important and interesting topics connected with the disposal of the public

lands. He stated in the course of his remarks upon the subject, that the population of the new states and territories created out of the public domain had increased, between the years 1800 and 1830, from less than 60,000 to upwards of 2,300,000. The increase since could not be accurately ascertained, but might be computed at 3,500,000 souls composing nine states. A pre-emption law in favour of the "Squatters" who had seated themselves, without a title, on the public lands, is then recommended, upon payment by them of the *minimum* price required by government, for it had been found, that since 1820, the lands sold at public sales had produced, on an average, no more than six cents an acre above that price. The remainder of the message refers to the Indians; to the military and naval force of the Union; to the Post-office, (which gave an increase of revenue over the preceding year of \$708,160 41c.); to the expediency of making provision for obtaining security from all functionaries entrusted with the public money; to steam boat casualties; and concludes by inviting Congress to a thorough and careful revision of the local Government and interests of the district of Columbia, which had been "left to linger behind the rest of the Union; its codes civil and criminal being not only defective, but full of obsolete or inconvenient provisions;" and which, although selected as the seat of the Legislature, had never received "that special and comprehensive legislation" which its situation peculiarly demanded.

From the annual report of the Secretary of the Treasury (Mr. Woodbury), presented Dec. 5th,

1837, we learn, that the receipts on account of the revenue, for the three first quarters of the year 1837, amounted to about \$15,144,916, under the following items. Customs \$8,903,878. Public lands \$5,650,221. Interest from deposit banks, and other miscellaneous receipts \$585,817. The receipts for the fourth quarter, not then completed, were estimated at \$8,355,065, including an issue of Treasury notes, by authority of the act of Congress mentioned in the last volume (p. 378), to the amount of \$4,300,000. The aggregate receipts, therefore, of the year were computed at \$23,499,981, which added to the balance remaining in hand from the preceding year, gave the gross sum of \$69,468,504 86 cents. The aggregate expenditure of the year was set down at \$35,281,361 57 cents, leaving a balance of \$34,187,043 29 cents, as has already been stated. The main heads of expenditure for the three first quarters of the year were as follow. Military service, including the Florida war, roads, harbours, &c. \$16,310,208 35 cents; naval service, \$5,061,865 87 cents; public debt, \$22,019 25 cents.\*

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\* The following statement taken from this report is striking, as indicative of the abrupt alteration that took place in the channels of capital during the late period of speculative excitement.

"In seasons of common crops, and in times when, under the guidance of ordinary prudence, industry was directed more to the cultivation of the soil, the United States were accustomed, under the blessing of Providence, to receive rather than pay large sums for the great necessary of life. For a series of many years, the value of the grain and flour imported did not exceed a few thousand dollars, while that exported.

During the early part of the session of congress, the Canadian rebellion, and the border conflicts, to which it gave rise, occupied the attention of the Legislature; and it would appear that, upon the whole, the proceedings of either House were not unmarked by a becoming forbearance; even at a moment when out of doors the excitement of the more inflammable portion of the community was at its height.

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was, on an average, quite 6,000,000 dollars. Sometimes it exceeded even 14,000,000 dollars, and so late as 1833, 1834, and 1835, amounted to nearly 5,000,000 dollars annually. But in the year ending September 30, 1837, the exports of them fell off nearly a million, while the imports were augmented in value to the unprecedented amount of more than four and a half millions," and he estimated the consequent increase in the cost of the bread consumed in the United States at 100,000,000 dollars.

With respect to the banks, Mr. Woodbury remarks,—“The result, so far as their affairs can be ascertained with much accuracy, will now be presented. Their condition, as a whole, does not appear to have altered very materially during the year in respect to the relative proportion of all their immediate means and liabilities, but in several other respects the changes have been essential. One portion of the new returns which have been procured is dated near the 1st of January, 1837, a few months before the suspension of specie payments, and another portion, classed separately, is dated a few months subsequent to the suspension. Within that time, the whole discounts appear to have been reduced only about 20,000,000 dollars, still being over 500,000,000 dollars. The net or active circulation of bank paper is supposed to have been curtailed but 16,000,000 or 17,000,000 dollars, leaving over 99,000,000 dollars. The deposits have been lessened 36,000,000 dollars, but they are still in the large amount of 93,000,000 dollars, and the specie on hand has decreased more than 8,000,000 dollars.”

The President lost no time in requesting from Congress an extension of the executive power, together with appropriation ex- of means, as the circumstances required. He forbade by proclamation the interference of American citizens in the war, and ordered warrants to be issued against all who should violate the national neutrality, directing, at the same time, the marshal of the United States to summon the *posse comitatus* to aid him in the execution of such warrants. The Governor of New York was requested to call out a military force, sufficient to perform the duties of a corps of observation on the frontier, of which General Scott, a prompt and efficient officer, was appointed to the command.

The communication of the President was referred to the Committee of Foreign Relations. Upon this occasion, Mr. Poinsett, the Secretary at War, in his instructions to General Scott, remarked, “It is important that the troops called into the service should be, if possible, exempt from that state of excitement which the late violation of our territory has created, and you will, therefore, impress upon the Governors of those border States, the propriety of selecting troops from a portion of the State, distant from the theatre of action.

“The Executive possesses no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating our laws, by making incursions into the territory of neighbouring and friendly nations, with hostile intent. I can give you, therefore, no instructions on that subject; but request that you

will use your influence to prevent such excesses, and to preserve the character of this Government for good faith and a proper regard to the rights of friendly powers.

"The militia will be called into the service for three months, unless sooner discharged; and, in your requisitions, you will designate the number of men, and take care that the officers do not exceed a due proportion."

The affair of "The Caroline," when it was first made known, without any of its explanatory circumstances, produced, as we have already stated, a strong feeling in the United States. In a message to the legislature, the President designated it as "an outrage of a most aggravated character, accompanied by a hostile, though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighbourhood, and on the whole border line." Mr. Forsyth, the Foreign Secretary, writing to Mr. Fox, the British Minister at Washington, remarks, that "the destruction of the property, and the assassination of citizens of the United States, on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavouring to allay the excitement, and earnestly seeking to prevent unpleasant occurrences on the frontier of Canada, have produced upon his mind the most painful emotions of surprise and regret." "The President," he added, "had deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character, and to make known to you, that if it should occur, he cannot be answerable for the effects on the neigh-

bouring people of the United States."

These documents were, it may be observed, penned before the American Government had become acquainted with the particulars of the affair of "the Caroline," as they actually happened. Its subsequent silence upon the subject amounted to an implied admission that the conduct of the British was justified by the provocation which they had received.

The debate which took place in the Chamber of Representatives on the President's message respecting "the Caroline," was conducted in a tone by no means discreditable to the good sense and moderation of that assembly. It was opened, indeed, by an angry speech from Mr. Thompson of South Carolina, who remarked, that it behoved the House to move with extreme circumspection in a case of so much importance. Although he had full confidence in the Executive, he was bound to admit, that he considered Mr. Forsyth's letter to be too tame for the occasion. A murder had been committed, with every feature that could possibly characterise it as an atrocious and brutal assassination, by British soldiers, upon unarmed and unoffending American citizens, within the American territory. The murderers should at once have been demanded by the Government, and rendered amenable to the laws; and, much as he deprecated a war with Great Britain, he maintained that the national honour ought to be vindicated at all hazards.

But these violent sentiments by no means found a general echo in the House. Many members suggested the propriety of pausing before any steps were taken in a

matter concerning which they were but partially informed. The people on either side of the border were, it was said, in a state of mutual exasperation, and it was very possible, that the British had not acted without provocation.

The fairest speech, however, on the occasion, was made by Mr. Rhett, of South Carolina. After remarking that it was the first duty of those who took a part in such an exciting debate, to make themselves thoroughly acquainted with the circumstances, he proceeded to say, that, in the first place, no blame could possibly attach to the Government. There was no force at its disposal, nor indeed was there a single regular soldier on the spot, and those officers of Government, upon whom the duty of preserving the neutrality of the nation devolved, had been among the most forward in contributing to the existing state of things on that frontier. "We have none to blame but ourselves," continued the hon. Gentleman, — "A rebel chief, a fugitive from his country, has crossed the frontier, and, by violent and inflammatory speeches, has, in open day, instigated American citizens to take up arms. This individual, traitor as he is in the eye of the English law, has been permitted to levy recruits in the public streets of Buffalo without any pretence of concealment. Was this all? Far from it. A body of men, 99 out of 100 of whom were Americans, had gone over upon a neutral island, and established themselves in an hostile attitude, and in open defiance of the British Government, and of the laws of nations. Between this insurgent body, and the shores of the United States, a constant communication

was maintained, and the steam-boat recently destroyed, had been, it was said, engaged in an intercourse of this very character." If that were true, Mr. Rhett proceeded to say, he could not bring himself to affirm, that the British Government had no right to seize and destroy her. At all events, it was a gallant enterprise, and had he, Mr. Rhett, been in the situation of Colonel M'Nab, and had reason to believe, that the boat was employed in such a service, he believed that he, in common with every man of courage, would have acted in a similar manner. Hon. Gentlemen, said Mr. Rhett, should not forget the principles acted upon by General Jackson with respect to the Spanish authorities at Pensacola, and maintained so ably by the gentleman, the member for Massachusetts, then secretary of state. Upon that occasion it was held, that, if the Spanish officers received refugees from the American lines, and suffered them to remain, and have protection within Spanish fortresses, the authorities of the United States had a right to seize upon them with a strong hand. Were they not, at the present moment, in a similar situation? Had they not received, cherished, encouraged refugees from Canada, and suffered them to levy men and collect arms within their territory? In fact they were in the wrong. Their own people, without authority or permission from the Government, had plunged into the Canadian contest, and upon them rested the responsibility, and not on Congress or the administration.

Mr. Menefee (Kentucky) spoke with similar good sense. He recommended, that the existing juncture of affairs should be considered



with the calmness and dignity suited to the councils of a great nation. It was incumbent on that House to set the country an example of moderation, and of a statesmanlike manner of viewing and discussing a topic, on which so much excitement had unfortunately been already manifested. They were about to have no war with England; of that they might be sure, and it might be as well to proclaim it now, as at any other time. But there was a cause much deeper than the seizure of a steamboat for the present inauspicious posture of affairs. The Government of the United States had indirectly forced upon the country the difficulties under which it was now labouring. What, for instance, had been its conduct with respect to Mexico, with which, as with Great Britain, this country was at peace? Scarce a village was there in the whole western or south-western portion of the Union, in which the enlistment of men, or some other hostile preparation, had not been going on with a view to the invasion of that country, and a forcible interference in her contest with the revolted province of Texas. It was true, that in word, in form, such proceedings were discouraged—no doubt, orders were issued prohibiting them. Yet the officers of Government had not only connived at them, but had almost themselves become parties to these lawless acts. But the time was now arrived, when these systematic violations of neutrality should cease; and the nation was on the point of being brought to its senses.

Mr. Thompson, in reply, said, he regretted the conduct of the people upon the frontier; it had been undoubtedly criminal; it had

produced a state of things which had been well described, as one, in which the people were at war, while their governments were at peace. But allowing the proceedings of the people on the border to have been wrong, to the fullest extent contended for, what a difference there was between them, and the case of a massacre of a helpless unarmed company in the unsuspecting hours of sleep, and amidst cries for quarter!

Mr. Wise, after admitting that faults had been committed by the people on both sides of the northern frontier, for which neither Government could be properly held responsible, and expressing his conviction, that enough of prudence and wisdom would pervade the counsels of both to prevent the occurrence of war, concluded by moving the previous question, which was put and carried by a majority of 80 to 77.

Soon afterwards, "A Bill for the preservation of Neutrality" passed the Senate. It empowered the proper officers to seize any vessel or vehicle belonging to citizens of the United States, and about to depart the same, when the circumstances of the case should render it probable that such vessel or vehicle was intended to be employed in carrying on hostilities against the subjects of any foreign state, with whom the United States were at peace, or in conveying men, arms, or munitions of war to any place, from whence such hostilities were carried on, with intent to give aid and comfort to the persons carrying on the same; and to detain every such vessel or vehicle, and all arms and munitions of war, which should be found therein, until the owner should give sufficient security, that it



should not be employed in carrying on or aiding the hostilities above mentioned. It also authorized the authorities to disarm all bodies of armed men, who, having been engaged in carrying on hostilities as aforesaid, should come within the limits of the United States. After several provisions, amending and strengthening the existing law upon the subject, it concluded by declaring that it should be lawful for the president to employ such part of the land or naval forces of the United States as should be necessary to prevent the violation and enforce the execution of the law.

This bill, however, failed to meet with the approbation of the other House, who rejected it, and sent up to the Senate in return, a bill of their own, framed for a like purpose, and not differing essentially in its provisions. The Senate passed the second bill, with considerable amendments; in which, with one exception, the Chamber of Representatives concurred. The amendment, to which exception was taken, was to the following purport. The original bill contained a proviso, that the act should not interfere with any trade carried on according to existing treaties and the laws of nations. But the Senate wished to limit the operation of this saving clause to maritime trade, and to prohibit all trade in arms, &c. by land, with any neighbouring territory, which should be placed in the circumstances which the bill contemplated.

The two Houses finally came to an arrangement on the point, and the act, which was limited to two years' duration, became law.

The reader is already acquainted with the utter inefficacy of the  
taken by the authorities of

the United States to restrain the turbulent spirits on the border. But we are not aware, that any reasonable grounds are apparent for calling in question their good faith, or the sincerity of their desire to repress the predatory incursions of their fellow-countrymen. This feebleness of the executive government no doubt occasionally renders the states of the American confederation very troublesome neighbours; but there seems no possibility of correcting this defect in the general system of polity, which is so congenial to the spirit of the people, unless by the action of improved good sense and extended civilization.

It may be mentioned, that a pre-emption bill in favour of squatters passed the legislature in the course of the session, in conformity with the recommendation of the president.

The politics of the United States are perhaps open to the remark, which has already been made with respect to those of France, that the intrinsic importance of the subjects which divide the public mind, is often strangely disproportioned to the interest which they excite. We may notice, as an example of this, what is called the sub-treasury scheme, the object of which is merely to effect the discontinuance of state-banks for fiscal purposes, and to place the general government, in regard to the essential points of the collection, safe-keeping, and transfer of the public money in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations, and, at the same time, to withdraw those monies from the uses of private trade, and confide them to agents constitutionally selected and

controlled by law.\* This is one of the questions on which party spirit in the United States has taken its ground. The contemplated advantages of the proposed measure are generally described by the president to consist in "the abstaining from an improper interference with the industry of the people, and withholding improvident dealings on the part of individuals; the giving stability to the concerns of the treasury; the preserving the measures of government from the unavoidable reproaches that flow from such a connexion; and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape."

The sub-treasury bill is one of the cardinal points of policy of the Jackson and Van Buren party, who at present predominate in the United States, and who wage unrelenting war against the banks. By diverting the stream of public money from the coffers of these institutions, the bill in question seemed, no doubt, to aim a severe blow at their prosperity, and the resistance which it encountered, was proportioned to the effects it was calculated to produce. It however passed the senate by a majority of twenty-seven to twenty-five, though not without some important modifications, amongst which was the rejection of a clause prohibiting the receipt of bank paper in payment of government dues. But its reception in the House of Representatives was less favourable, and in June it was ultimately rejected in that assembly by a majority of 125 to 111.

With the exception of a few in

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\* President's message, 1837. See appendix to the last volume, page 355.

the south-western States, the banks throughout the Union resumed specie payments in the course of the summer. The effects of the late commercial catastrophe were rapidly subsiding, credit re-appeared, the prospects of trade for the ensuing autumn were encouraging, and the harvest was abundant. Speaking of the return of prosperity, the President, in his annual message (see Appendix), remarks, "Nor is it less gratifying to find, that the general business of the community, deeply affected as it has been, is reviving with additional vigour, chastened by the lessons of the past, and animated by the hopes of the future."

"The agency of Government," continues the President, "in producing these results, has been as efficient as its power and means permitted. By withholding from the States the deposit of the fourth instalment, and leaving several millions at long credit with the banks, principally in one section of the country, and more immediately beneficial to it; and, at the same time, aiding the bank and commercial communities, in other sections, by postponing the payment of bonds for duties to the amount of between \$4,000,000, and \$5,000,000; by an issue of treasury notes, and by steadily declining to employ, as general depositories of the public revenues, or receive the notes of such banks as would not redeem them in specie; by these measures, aided by the favourable action of some of the banks, and the support and co-operation of a large portion of the community, we have witnessed an early resumption of specie payments, in our great capital, promptly followed in almost every part of the United States."

But the circumstances of the Treasury, notwithstanding, made it necessary to raise money to meet the current expenditure of the country by another issue of Treasury notes to the amount of \$10,000,000.\* A measure which the opposition in Congress would only sanction, upon their own terms, having succeeded in annexing restrictions, which limited the time the bills were to run, and prohibited the re-issue of them, when once returned to the treasury. The temporary pressure upon the Exchequer, which made this issue of Government paper necessary, arose, as was explained by the President in the message, which we have subjoined, from the

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**" TO THE SENATE AND HOUSE OF REPRESENTATIVES.**

" I submit to the consideration of Congress a statement prepared by the Secretary of the Treasury, by which it appears, that the United States, with over 28,000,000 in deposit with the States, and over 15,000,000 due from individuals and banks, are, from the situation in which these funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the Government.

" The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from the prohibition in the present law to re-issue such Treasury notes as might be paid in before they fell due, and may be effectually obviated by giving the Treasury during the whole year the benefit of the full amount originally authorized, the remedy would seem to be obvious and easy.

" The serious embarrassments likely to arise from a longer continuance of the present state of things induces me respectfully to invite the earliest action of Congress to the subject which may be consistent with a due regard for other public interests.

**" M. VAN BUREN. "**

defalcation of the State debtors during the past year; the surplus revenue of the Federal Government, which amounted to upwards of \$28,000,000, being, in the mean time, locked up in the State deposits.

Meanwhile the electoral reaction against the government, to which allusion was made in the last volume, continued its course. In the State of Connecticut, the Whigs or Opposition, succeeded in electing their own candidates to every branch of the State Government — Governor, Senate, and Assembly; though at the last election, the administration candidates had been universally returned. But it was in the State of New York, that the Whigs considered themselves to have accomplished the most signal triumph. The governor, eighty-two members to the State-legislature out of 128, and twenty-one representatives to Congress out of forty, were returned by this party, in a State, from which Mr. Van Buren had originally derived his firmest supporters; and which, at the last election, in 1836, sent thirty administration members to Congress, and only ten Whigs. This decline of the Van Buren party in popularity is ascribed by their opponents to the line of conduct pursued on the Bank question, which is, it is contended, odious to the large body of the people. But, from whatever cause it arose, it was thought to render Mr. Van Buren's re-election to the Presidential Chair, a matter of some doubt; and, in the mean time, of course very much embarrassed the course of the administration. And although the Government reckoned a nominal majority of from ten to

fifteen of the House of Representatives, it was found next to impossible to carry any measure which was invested with a party character.

In some States, however, the Government party still maintained their ground. In Pennsylvania and Ohio, the elections seem to have been adverse to the Whigs; and in Maryland the administration party brought in their candidate as Governor, though defeated in the elections for the State Legislature. In New Jersey the Whigs retained a majority, though a decreasing one, for the State elections; while the return of the members to Congress was controverted, the majority being claimed by both parties. South Carolina added to the list of ministerial successes by the rejection of Mr. Legare, one of its most distinguished members, and who having been returned at the preceding election as a supporter of Mr. Van Buren, fell under the displeasure of his party, by reason of his vote on the Sub-Treasury bill. In Georgia, the Whigs gained a complete victory, though by a slender majority, but were unsuccessful in Maine and New Hampshire. Upon the whole, however, this last party seem to be gaining ground. At the end of last November, fifteen of the twenty-six States had elected their representatives to the next Congress. These fifteen States, which had returned to the existing Congress eighty-two administration and sixty-four Whig members, being a majority of eighteen in favour of the Executive, at the recent elections, chose seventy administration, and seventy-six Whigs.

The views of the Van Buren party on the Bank question

may be collected from the following extract from "the Address of the Republican members of Congress." "The number of State banks, and branches now is 829. The number of Presidents, Directors, and other officers, is not over estimated at 8,200. The number of stock-holders may be safely estimated at 320,000, and the number of debtors, exclusive of stockholders, at 650,000. The capital of all the banks is about \$317,636,770, and the amount of their loans \$485,631,867." It then proceeds to assume, that the practical effect of establishing a national bank, would be to concentrate this million of persons and five hundred millions of dollars into one corporation. All the minor banks would act in subserviency "to the monarch of the great bank credit system, on whom the inexorable laws of credit and of trade, confer the power to crush or caress them, according to his uncontrollable will." This document which also sets out at great length, and rather exuberant diction, the tenets of the subscribers on all the other great questions at present agitated in the United States, is dated July 6th, 1838.

The controversy between Great Britain and the State of Maine, with respect to the frontier line of New Brunswick, began, during the year, to assume a rather serious aspect. As, however, we propose to bring the whole subject before the reader in the succeeding volume, it may be sufficient here to refer to the passage in the President's message, which relates to it; and which will be found in the Appendix to the last volume. The subject was frequently mentioned in the debates of Congress;

but the allusion elicited little but *ex parte* statements and declamatory language.

The war with the Seminole Indians still continued to occupy the arms of the United States, without shedding much lustre upon them. To reduce 4,000 or 5,000 squalid Indians, a force of 15,000 men was employed—a very harassing service. The nature of the country being such, that the campaign can only be carried on in the winter; for as soon as the foliage spreads itself over the forests, they afford a covert to the Indians, from which it is impossible to dislodge them, without a great sacrifice.

By the terms of one of those treaties, which the confederation is accustomed to impose upon these unfortunate people, the Cherokee tribe engaged to withdraw from their lands in Georgia to the Western Wilds. But when the time came for putting this agreement in force, the Indians displayed so much reluctance to move, that General Scott, with a large body of troops, was ordered to advance into their territory.

It was not, however, found necessary to resort to force; General Scott seems to have executed his mission with considerable address and good feeling; and the Indians, who alleged, and justly, as there is reason for thinking, that the treaty had been obtained by fraud, were indulged with better terms, and an extension of the time for removal.

Mr. Poinsett, the Secretary at War, in his report published at the close of the year, enters into some very full details respecting the present condition of the Indian tribes. He states that independently of the removal of the Cherokees,

the operations of the Indian department, within the last year, had been extensive. The entire Creek nation, with a slight exception, had emigrated, and formed permanent settlements beyond the Missouri. About 1,400 Seminoles emigrated in 1836, and 1,500 in the two following years. “The military movements for the removal of the residue still continued to be vigorously prosecuted.” At the close of the session, according to Mr. Poinsett’s calculation, about 22,000 Indians would remain in the States and territory of the Union, all of whom, “it was desirable should be removed as soon as possible to the West.” Of the emigrated tribes all the accounts which had been received were encouraging. The recently emigrated Cherokees had already formed agricultural and trading establishments.

By a convention concluded between the United States and the Russian government, in 1824, it had been agreed, that thereafter there should not be formed by the citizens of the United States, nor under their authority, any establishment upon the N.W. Coast of America, or the adjacent islands to the north of 50 degrees, 40 minutes of north latitude; and, in like manner, the Russians were debarred from forming establishments south of that parallel. It was further agreed by the fourth article, that, “during a term of ten years, counting from the signature of the convention,” the ships of both powers might reciprocally frequent the interior seas, and gulphs, harbours, and creeks upon the coast mentioned in the preceding article.

This fourth article Russia declined to renew, and upon no un-



reasonable ground, for she alleged that the only use made by American citizens of the privilege thereby accorded, was to supply the Indians with spirituous liquors, gunpowder and fire-arms. The United States however contended, that, independently of the article, their citizens had a right to trade with the Indians on the unoccupied parts of the coast, a right which, however, they admitted would cease whenever a Russian establishment was founded.

The new republic of Texas, this year, withdrew its application for admission into the Union. But, on the 15th of October, a public notice was issued by the President of the United States, acknowledging the Consul appointed by the Texian Government at New Orleans, and attributing to him the enjoyment of all such functions and privileges as are allowed to consuls of the most favoured nations.

At the end of the year, when the second Canadian revolt occurred, the President published a proclamation in which, after stating that "disturbances had actually broken out anew in different parts of the two Canadas;" and that a hostile invasion had been made by citizens of the United States, in conjunction with Canadians and others—he called upon every citizen of the United States, neither to give countenance or encouragement to these misdoers, who had thus forfeited every claim to the protection of their country, and he summoned those misguided persons themselves to abandon "projects dangerous to their own country, fatal to those whom they profess a desire to relieve, impracticable of execution without foreign aid, and giving rise to imputations, however unfounded, upon the

honour and good faith of their own government." Having admonished all officers civil and military, and every citizen to use every effort for the arrest and punishment of such offenders, he concluded by "warning all those, who had engaged in criminal enterprizes, if persisted in, that whatever might be the condition to which they might be reduced, they must not expect the interference of their government, but would be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of those whose dominions they had, in defiance of the known wishes and efforts of their own Government, and without the shadow of justification or excuse, nefariously invaded.

MEXICO.—The President Bustamente opened the Congress in the beginning of January. His speech upon this occasion admitted the defective state of the financial system, and urged the necessity of placing proper restrictions upon the public expenditure. After alluding to certain commotions, so common in Mexico, which had occurred in California and New Mexico, but had been suppressed, he remarked, that with regard to the campaign of Texas, he could only say that its prosecution formed the first duty of the government, and of the Mexicans; and that he should be acquitting himself but poorly of his functions, were he to omit to employ all his power, and all his means, in order to surmount those obstacles which had hitherto delayed it. It was not without bitterness, that the President adverted to the conduct of the United States. The claims of Mexico had met with no attention on the part of the cabinet of Washington, and he could not look for a re-establish-



ment of harmony between the two governments until "the evidences of a more friendly conduct on the part of the United States were made apparent by a religious observance of treaties, and a due regard to the principles and relations of national proximity."

A change in the Mexican cabinet took place about the close of the year 1837. General Moran, described as a man of talent and firmness was appointed to the war department; M. Romero took charge of the interior, and M. Boca Nigre of the Foreign office, and, *ad interim*, of the Finances.

Mention was made in the last volume of the demands made by the French Government on Mexico. Those requisitions, however, were of so extravagant a character, that the Mexican Government, feeble as it was, and already engaged in a serious quarrel with the United States, indignantly refused to obey them: upon this, the French, whose alacrity to hostilities seems too often to bear something of an inverse proportion to the means of the adversary, dispatched an additional naval force under Admiral Baudin, to give more effect to the intended blockade of the Mexican coasts, and to take such ulterior measures as might be necessary to reduce the Mexicans to submission. The Prince de Joinville commanded the *Creole*, a twenty-four gun Corvette, in this squadron.

So early as the 21st of March, the French minister, Baron Defaudis, having consigned the duties of his embassy to his secretary M. Delille, went on board the frigate *L'Herminie*, lying in the roads of Sacrificios, and from that vessel addressed a long ultimatum to the Mexican Government. The pecuniary indemnity which the French

claimed amounted to \$600,000, arising out of all sorts of demands on the part of certain Frenchmen, who alleged, that they had ground of complaint against the Mexicans. But, in addition to the compensation demanded, the French insisted upon concessions and privileges, which no independent nation could be expected to grant, and no generous one should have endeavoured to extort from a weaker power. They required that judges should be dismissed; sentences reversed; and that immunities, not granted to the most favored nations, should be conceded to French residents, such as an exemption from war contributions, and extraordinary imposts, together with an unrestricted liberty of carrying on retail trade.

On the 30th of March, the Mexican minister for foreign affairs addressed a note to M. Delille, in reply to the ultimatum, and informed him that "the categorical answer of the President of the Republic was, that the contents of the ultimatum could not be taken into consideration, until the French naval forces were withdrawn from the coasts. At the same time, the President issued a spirited manifesto, calling upon "all citizens to defend the dignity, the rights, and the honour of the country." He thus speaks of the conduct of the French Government.

"Without listening to our minister, whose mission had for object to regulate our relations, and to establish them on a more firm and solid basis—without knowing the intentions of the Government of the republic, always disposed to give satisfaction for reasonable complaints—without any data or sufficient information respecting

the state of affairs, that Cabinet orders a naval force to our shores, and with violence demands pecuniary indemnifications, the dismissal of public functionaries, and concessions which must excite alarm throughout the whole American continent."

Nor did he endeavour to disguise the peril of their situation. "It is to be regretted, said he, that I cannot conceal from you, that we have for an enemy the Government of one of the most powerful and flourishing of nations; but, if the existing differences are to be decided by justice and patriotism, and, above all, by the protection of Providence, you may rely that the issue will crown your prayers, and demonstrate to the world that the abuse of foreign force is not capable of changing the destinies of the republic."

It seems that the Mexicans would have consented to purchase the forbearance of France by paying the required indemnity, but this offer did not satisfy the French.

On the 14th of April, M. De-lille demanded his passports, and left the country. And immediately afterwards, the Mexican ports were declared in a state of blockade.\* Although Mexico could not

pretend to cope in direct war with her imperious enemy, she had at her disposal, had she been inclined to employ them, formidable means of retaliation. The issue on her part of letters of marque, would have covered the seas with a swarm of privateers, bearing her flag, and spreading dismay amongst the French merchantmen. But she wisely abstained from a measure, of which the policy was in this case doubtful, and of which the morality is always questionable. The mere threat, however, of such a step, produced great alarm in France.

There is perhaps no State in which revolutionary movements take place more frequently, and subside more easily, than that whose annals we are now employed upon. In fact, they have become a matter of such ordinary occurrence, that their course would seem to be determined by certain regulations which experience has sanctioned, as upon the whole convenient to be observed in every case. The proceeding is simple enough, and not very mischievous. The first stage of a revolution is called the *pronunciamento*. Here, as the term denotes, an officer, no matter of what rank, has pronounced against the existing government. The next step is the *grito*, or cry.

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\* The following proclamation is too characteristic to be omitted.

THE REAR-ADMIRAL COMMANDING THE  
NAVAL FORCES OF FRANCE IN THE  
GULF OF MEXICO.

"Seamen and Soldiers!—We are going to Mexico; for several years past our fellow-countrymen settled in the country have been exposed to vexations and outrages which it is the duty of France to avenge.

"If we cannot obtain satisfaction we shall have war with Mexico.

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"Let every one of you accordingly prepare for war with all his heart and might; let all your exercises take place, in the anticipation of hostilities.

"Seamen and soldiers!—Redouble activity, good order, and prompt obedience, for those are the real elements of success.

"I rely on you, as you may rely on me, for every thing which the honour and dignity of France may require.

"CHARLES BAUDIN."

Then come a few skirmishes, conducted generally with much forbearance on both sides, but which bring about the catastrophe. If the insurgent chief succeed, he marches upon Mexico, and makes a triumphal entry; if he is beaten, he *depronounces*, and embarks at Vera Cruz, or some other port, for a temporary exile.

More than one of these insurrections were in progress during the year. One of the most important took place at Sinaloa headed by Urrea, who assumed the title of protector. A *pronunciamiento* at the Aguas Calientes followed in favour of federalism, but soon came to nothing.

The congress closed its session on the 30th of June. Bustamante, in his discourse upon this occasion, assumed as cheerful a tone as the gloomy circumstances of the republic would permit. Tranquillity he said, was in the act of being re-established, and the bands of rebels, who had caused a temporary uneasiness, had been defeated by the government troops. The few that remained would soon be dispersed. The hostilities of the French were adverted to with temper and forbearance, and the determination of the republic to endure every extremity, before submitting to the indignities offered by the French, asserted without bravado. Severe reprisals, he said, would have been justifiable. But it had been thought better to conciliate the French cabinet by a generous moderation. The differences with the United States were in a course of arbitration. The amicable relations of the republic had been extended to Belgium and the state of the Equator. With respect to the Texian campaign, the president regretted much that he could not announce that it

had opened, but the circumstances which delayed it were but accidental, and the Government, he trusted, would be soon again free to employ its resources and power in restoring the integrity of its territory.

On the 8th of October, a *pronunciamiento* took place at Tampico, where the garrison rose, and declared for the federal constitution of 1825. Colonel Montenegro was called to take the command of the place, and the governor, General de las Pintas, with several officers, was hurried on board a Danish vessel and sent to sea.

The French blockading squadron remained off the Mexican ports during the remainder of the year, and gave great inconvenience to the commerce of all nations trading with Mexico.

The objections to which the course pursued by the French Government was open, were very forcibly expressed in a memorial addressed by "the committee of the South American and Mexican Association" to Lord Palmerston. "The government of France," it is there stated, "makes certain claims on that of Mexico, and in doing so, states, not that it is willing to leave the adjustment of them to the decision of some independent tribunal, but that, if they be not conceded in their full dimensions, as demanded by France herself, if the answer to them by the Mexican Government 'be negative upon only one point,' or 'even doubtful on only one point,' the commander of the French forces, already assembled on the coast, is to carry into effect his instructions." The committee would earnestly press upon the consideration of her Majesty's Government, whether all civilized nations are not inter-

ested for the common and natural rights of all, in protesting against the doctrine, that any one power is entitled to constitute itself the sole judge and arbiter of the claims it may conceive itself to have on any other power, and disclaiming all reference to any intermediate tribunal, to proceed, by the force of its arms, to exclude the rest of the world from intercourse with that power, until its claims, measured and computed by itself alone, shall be conceded."

The chamber of commerce of New York also entered into correspondence with the Federal Government on the subject.

The British Government, upon its part, ordered a naval force to proceed to Mexico for the purpose of protecting British interests in that quarter. At the same time Mr. Pakenham, our minister at Mexico, who was then absent on leave, was directed to return immediately to his post, with a view to effect, if possible, an amicable arrangement of the differences between France and Mexico.

The new Government of TEXAS seems to be in a fair way to its establishment. The President, at the end of 1837, sent his message to the chambers, in due form, and it was announced, at the same time, that various reports on foreign relations, finance, military, and naval affairs, and public lands were in a course of perfection.

The "committee of finance" reported in favour of a bill authorising the President to issue the promissory notes of the Republic of Texas, to such an amount as should be sufficient to cover all the past debts of the State, and to meet the expenditure of the past and current year, with a proviso restricting the amount to \$3,000,000

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dollars. These notes were not to be redeemable for five years, and might consist of any sum from a dollar upwards.

PERU, BOLIVIA, and CHILI.—Notwithstanding the loss which had been sustained by the death of Portales, whose murder is related in the last volume, the Chilian Government did not relax in their preparations for the invasion of Peru. On the 16th of September, 1837, their fleet, under the command of Admiral Blanco Encalada, got under sail from Valparaiso. It consisted of eight men-of-war, and about twenty transports, conveying 2,700 infantry, and 700 cavalry, with their horses, who, towards the end of the month, were disembarked at Yalay, between Arica and Arequipa. They took possession of the former place, without opposition. The Custom House, with its stores, was, of course, the first object of the captors; but they had not long been in possession, when it was discovered that goods belonging to British subjects, to the amount of a few thousand dollars, had disappeared. Upon representation to this effect being made to the Admiral, he made good the loss on the spot, and ordered the officer who had been stationed in command at the door of the Custom House to be shot. From Arica, the expeditionary forces advanced upon Arequipa, which they reached on the 12th of October, after a very fatiguing march, and not without considerable loss in men and horses. The entire country which they had to traverse had been laid waste by the Peruvians; not a tree or shed being left standing. At Arequipa they encountered no resistance, and formed a provisional Govern-

[2 K]

ment, composed of General Lafuente and two other Peruvian refugees. The first act of this body was, of course, to launch a bombastic and injurious proclamation at Santa Cruz.

That commander, in the meantime, was advancing from La Paz, to oppose the invaders, with all the forces he could collect. The Chilean army marched out of Arequipa to meet him ; but desertions and sickness thinned their ranks, and when they came up with Santa Cruz, they found him occupying a strong position, about a league from Paucarpata, at the head of 5,000 men, full of zeal and courage. The Chilean General, by this time, was in no condition to engage the Peruvian troops, and any endeavour to retreat, disorganized as his forces were becoming, would have involved the most fatal consequences. Nothing, therefore, remained but to treat. On his part, Santa Cruz expressed his readiness to come to a fair accommodation. Accordingly, on the 17th of November, a treaty was concluded between the Generals, and subsequently ratified by the Peru-Bolivian Government, to the following effect. The Chilean Government engaged to restore the three Peruvian vessels which had been carried out of the port of Callao in the preceding year, and the invading army was to retire, within six days, to Quilca, from whence it should reembark for Chili. Treaties of commerce and reciprocity were to be concluded between the two powers, each being respectively placed on the footing of the most favoured nation. Chili would lend its good offices to establish amity between Peru-Bolivia and Buenos Ayres. Peru, on the other hand, took upon

itself the liability of 1,500,000 dollars, part of the Chilean loan contracted in London, and which had been applied to equip the expedition by which, under San Martin, Peru had been rendered independent of the mother country.

The terms of this treaty seem reasonable in themselves, and, by the admission of Blanco and the chief officers engaged in the expedition, it had saved the army, which, destitute of all resources, and in a rapid course of disorganization, was at the mercy of Santa Cruz ; nevertheless the Chilean Government having reaped these advantages, refused to ratify it, alleging that, in executing it, their General had exceeded his powers, and that, as it did not concede what Chili was warranted in demanding, they could not consent to consider it binding.

Active preparations were accordingly made for a renewal of hostilities. Admiral Blanco was brought to trial for his share in the transaction, and, by flight, escaped condemnation to death, having previously published a long exposition, in vindication of his late conduct. From this document, it appeared that the expedition which had recently failed, had been planned in reliance upon the co-operation of Lopez, one of the Peru-Bolivian Generals, who had promised to come over to him with his division. The meditated treason, however, of this officer had been discovered before he could effect his purpose. Blanco is also believed to have had grounds for expecting the assistance of a strong party in the Bolivian Congress, hostile to Santa Cruz, and headed by Sanper-tegui, a man of some note and

ability. It appears that either he had been mistaken in his estimate of this person, or that means had been found to divert him from his opposition to Santa Cruz, as he (Sanpertegui) had turned out to be one of the most zealous and resolute adherents of the Protector. Under these circumstances, with a force of 5,000 men opposed to him, but which, secure in its entrenchments, refused battle when offered, he had no alternative but to open a negotiation, or to attempt a retreat of 200 or 300 miles, in the face of an enemy of double his own strength. He then proceeded to show the imminent danger of such an operation, surrounded and harassed as he would have been on all sides, and utterly destitute of resources.

The war being resumed, General Brown, one of the commanders of the Peruvian forces, carried on the campaign on the frontiers of Buenos Ayres, with some success. After defeating Heredia, who was at the head of the Buenos Ayres troops in that quarter, he advanced into the territory of the Argentine state, in the direction of Tucuman, and had already received petitions from the inhabitants of the provinces of Salta and Jugui, praying to be admitted into the Peru-Bolivian confederation, when he was recalled by Santa Cruz to the frontier, to the defence of which he was instructed to confine himself.

In July 1838, a second expedition sailed from Valparaiso against Callao; it was far more formidable than the last, consisting of from 6,000 to 8,000 men, under the command of General Manuel Balnes. This war seems popular in Chili; the entire expense of the armament was actually paid

for, up to the time of its departure; yet this had been accomplished, it was affirmed; without forced loan or extraordinary contribution of any kind, and no inconsiderable portion of the force under arms was said to be composed of volunteers. On the 24th of July, the expedition anchored off Coquimbo.

In the mean time, events took a turn in Peru which very much facilitated the progress of the invaders. Santa Cruz, whose fabled descent from the Incas had once invested him in the eyes of the vulgar with a romantic interest, and who, by his talents, civil and military, had still more substantial claims to the respect and confidence of his fellow countrymen, was rapidly sinking in popularity. The Act of Confederation by which the three republics of Peru had been united, does not seem to have met with the approval of the people of Bolivia, and had exposed Santa Cruz to the suspicion of aiming at more power than they thought it to be desirable he should obtain. Accordingly a strong party was formed against him in the Bolivian congress. The treacherous designs of many who surrounded him have already been mentioned, and though baffled on a former occasion, they were more successful on the present. The appearance of the invading armament was the signal for an insurrection in the northern provinces of the confederation, while Orbegoso himself, hitherto a fast adherent of the Protector, to whom he owed his elevation to the presidency of Peru, declared against him, and placing himself at the head of a band of troops marched out of Lima with the intention of joining the revolt in the north. At this



time, Santa Cruz, was at Arequipa, where he had collected a considerable force, to oppose to the Chilian expedition. On the 28th of July, Orbegoso having effected a junction with Nieto, the chief of the insurgents, re-entered Lima, which General Moran, who commanded the troops which still remained faithful to the Protector, had abandoned, the preceding evening. But General Miller still kept possession of the forts of Callao in the name of Santa Cruz.

The triumph however, of the revolutionary party was transient. On the 7th of August, the Chilian squadron, arrived off Callao, and on the morrow 5,000 men were disembarked at Aucon. Orbegoso and his party at first hailed them as auxiliaries; and such the Chilians stated that they were willing to become; but on their own terms, which were simple enough. They demanded, it is said, \$20,000,000 dollars, with the possession of Callao, until the sum required was paid in full. The Peruvians objecting to these extravagant conditions, the Chilian forces attacked Lima, and after a severe action, obtained possession of that place, as well as of Callao. Orbegoso fled to the mountains, and General Gamarra was declared President of Peru by the invaders.

BUENOS AYRES must be added to the list of petty states, with which France was, during the year, embroiled. The dispute arose out of the following circumstances. It seems to be the practice in Buenos Ayres to consider all foreigners, after a residence of three years within the republic, as liable to serve in the militia. But this doctrine has frequently been disputed by the French and British Ministers, and the Consul of the

former nation received specific instructions to demur to the pretensions of the Buenos Ayres government in this respect. A misunderstanding between the two parties was the result, and in the issue M. Roger, the Consul, struck his flag, as a token that he considered his functions to have ceased, and removed the arms of France from his door. Other grievances were also complained of by the French. A Swiss had been imprisoned and punished for alleged practices against the state, notwithstanding the interference in his behalf of the French Consul, who affirmed, in contradiction to the assertion of the Buenos Ayres government, that this individual had claimed his protection. In one or two other similar cases, the Consul had sought to screen delinquents, about whose guilt there could be no question,\* though there might be much as to the fact of their French citizenship. This quality indeed had been so profusely bestowed at Buenos Ayres, that the Sardinian Consul, as the story goes, on his arrival, found all his master's subjects certified as Frenchmen by M. Roger.

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\* It appeared by official returns, that the foreigners in prison consisted of two Frenchmen, four English, one Prussian, and one Portuguese. Of the two French, the one had been condemned to four years service in the Argentine navy for assassination, and the other, one Lavie, had been sentenced to six months imprisonment for theft on his own confession. With respect to the other ground of complaint, the compulsory military service, it was shewn that the number of Frenchmen serving was six, of whom five had enlisted voluntarily for the sake of the bounty given by the State, and the other a vagrant, had entered the service for a subsistence.

But whatever may have been the foundation for the complaints of France, she was, as in the case of Mexico, not slow to enforce her claims to satisfaction. A French squadron, under the command of Admiral Leblanc, soon made its appearance at the mouth of the river Plata, and, on the 28th of March, the blockade of the Argentine ports was formally announced, and a more than usually grandiloquent "order of the day" issued by the French admiral; M. Roger having previously betaken himself to Monte Video.

In the course of the correspondence which passed before the declaration of blockade, between the French admiral and General Rosas, the governor of the province of Buenos Ayres, the former stated, that after the explanation which had been afforded by the Argentine government respecting the military service and the French prisoners (see last note), his demands on the part of his government were reduced to two articles, 1st. That the application of the principles of the Argentine republic with respect to foreigners should be suspended in regard to Frenchmen, and the French and their property be treated on the footing of the most favoured nations; 2ndly. That the Argentine state should recognize, in the French government the right to claim indemnities in favour of Frenchmen, who might have suffered in consequence of acts of the former.

General Rosas, in reply, remarked, that the French were taking a very singular course towards obtaining a mere guarantee; it being admitted that all existing causes of complaint had been disposed of. With respect to the

suspension of the militia law, in favour of French citizens, he observed, that the French admiral was aware that the law was not practically in force in their case; any other matter of difference the Argentine General expressed himself ready to discuss in a diplomatic manner, as soon as the menacing attitude of the French Government was laid aside.

Upon the shewing of their own officer, indeed, the conduct of the French would seem quite indefensible. Nevertheless, the blockade was urged with great severity. Under these circumstances, an extraordinary meeting of the House of Representatives was assembled, on the 29th of May, to take into consideration the state of public affairs. General Rosas sent a special message to the House, in which he informed them, that the time had arrived when they had to decide, "whether the Argentine confederation should sustain or not, at the cost of any sacrifice, not excepting that of their lives and property, the sacred oath they had made before God, and the people of the universe, to defend, at all hazard, the dignity, sovereignty, and independence of the country, then unjustly attacked by the pretensions of the consul and the French rear-admiral."

The House, thus appealed to, returned a spirited answer, in which they declared, first, that the conduct of the governor in the affair was approved in all its parts; secondly, that the executive should continue to act as might be required in this important matter by the national honour and interest; and thirdly, it was charged to reclaim, at the proper season, from his Majesty the King of the French full reparation for the in

offered to the honour of the Confederation, and the losses suffered by the country from the unjust blockade to which it is exposed."

In the month of September, the French admiral tendered a new ultimatum, in which several specific claims to money damages were set forth, and other demands advanced of a very oppressive and, as it seems, unfounded character. Indeed, unless the representations of this transaction, which were generally current at the time, are utterly false, the conduct of the French in the whole affair was discreditable in the extreme.\*

URUGUAY (Montevideo, or Banda Oriental).—Civil war continued, during the year, to distract this province. On the 15th of June, the revolutionary general, Fructuoso Rivera, engaged and defeated Oribe, the president, and menaced the capital. Oribe found it necessary to abdicate, after this reverse, and was replaced by General Lavalleja. Endeavours were made

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\* For instance, an indemnity was claimed on behalf of Lavie, a low Frenchman, who, being employed in a menial service about the army, had been convicted of robbing his master, Colonel Ramirez, as well as of embezzling military stores and clothing. The facts alleged against him were not denied by this person, who was tried before a competent tribunal—nay more, Admiral Le Blanc himself, when the case and the evidence were laid before him, is said to have admitted them likewise—and yet, by this second ultimatum, not only 10,000 dollars were required by way of compensation for Lavie, but the degradation of Colonel Ramirez, and his dismissal from his employment, were enacted. It will be recollected that Admiral Le Blanc, in his correspondence with Rosas, had admitted, that, with respect to the *past*, nothing remained to be settled—all that was wanted, being security for the *ire*.

to negotiate with the victorious chief, and a commission appointed to proceed to his quarters; but apparently with no success, and the town was soon afterwards closely invested by Rivera's forces, and reduced to great distress.

BRAZIL.—In our last volume, we left Bahia in a state of insurrection against the imperial government. The revolutionary party eventually failed to make themselves masters of more than the lower part of the town, and when, towards the latter end of December, they made an attempt to drive the loyalists out of the upper part, and the suburbs, they were not only defeated with great loss, but were beaten back into the fortifications of the lower town. Here they were shortly afterwards closely invested by the imperial troops, and all communication with them either by sea or land was cut off. They held out till March, when the imperialists, under Gen. Callado, took the town by storm, and put an end to the revolt. In the province of Rio Grande the insurrection continued during the year, and the attempts on the part of the government to suppress it were less successful than at Bahia. The insurgents were encouraged by the re-appearance of Bento Gonsalvez, one of their old leaders, who had been kept at Bahia as a state prisoner, and to whom the revolt at that place had afforded an opportunity of escaping. In more than one action, the troops of the government were defeated by the rebel bands, and altogether the state of affairs in this province was far from satisfactory.

Relying on the loose and ambiguous phraseology of the eighth article of the treaty of Utrecht, which professed to determine the

limits between the French and Portuguese possessions in that part of the world, the French, at the close of 1837, dispatched a military force to occupy Mapa, a small island situated at some distance up the northern arm of the river Amazons. The claim, upon which this step on the part of the French Government was founded, involves a pretension to a large tract of fertile territory, comprising between 200 and 300 miles of coast. We cannot at present offer any opinion upon the justice of this proceeding, but may remark, that it is alleged to be in contravention of the 107th article of the treaty at Vienna, and also of an article in the treaty of Paris of 1817.

In the course of the summer, Pedro de Araujo Lima was elected regent, having obtained a majority of 3,300 votes to 1,700 over his competitor Cavalcante.

The present history of the Columbian republics appears to be of a purely financial character; the adjustment of their debts, and the arrangement of their fiscal affairs being the all-engrossing subjects which occupy the attention of their respective governments.

The republic of GUATEMALA is described as having at this time relapsed into a state of anarchy. In May, a bloody insurrection broke out, the President resigned his office, and fled to a place of con-

cealment, and, to add to the miserable circumstances of the time, the neighbouring Indians had taken up arms and were committing frightful ravages in the country.

In Cuba, General Tacon was superseded by General Espeleta, early in the year. But Tacon quitted his province followed by the sincere regret of the inhabitants. Under his rule, indeed, Cuba seems to have prospered in an eminent degree. He found it, in 1834, a prey to the most frightful disorders, and exhibiting a state of society in which every sort of enormity was perpetrated with impunity, and the most unbridled profligacy of manners prevailed. The alteration which he is said to have effected in the course of a few years, is hardly credible. Such was his vigorous administration of the law, and so effective the system of police which he established, that he reduced the amount of crime within very ordinary limits, and that without the employment of sanguinary punishments or multiplied prosecutions. The security thus afforded to life and property was not slow in producing its usual fruits: commerce and agriculture began to revive, and the extension throughout the island of local and municipal improvement, bore witness to the wisdom and justice of its government.

# CHRONICLE.

# CHRONICLE.

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DECEMBER—1837.

**T**HE MURDER OF LIEUTENANT WEIR, NEAR ST. CHARLES, LOWER CANADA.—The reader will have seen in another part of our work, an account of the murder of Lieut. Weir, by the Canadian rebels. The following account of the transaction is taken from the “Montreal Transcript :”—

“After Lieut. Weir had been betrayed into the hands of the rebels, Dr. Wolfred Nelson ordered his removal from St. Denis to St. Charles. The person entrusted with this duty was Jalbert, the ex-captain of Militia. Mr. Weir’s arms were forced back, and his elbows made fast to each other with ropes. Thus pinioned, he was placed in a cart, into which Jalbert and another man under him, whose name we forget, also mounted, the former armed with a sword, the latter with an axe; and they proceeded towards St. Charles. The roads were in so very bad a state that the horse became fatigued, and with difficulty continued at a foot-pace. Jalbert first ordered the man to get out and walk; he afterwards got out himself; and finally he made a sign to Mr. Weir, who, although he was in so helpless a condition, descended as best he might. He had just reached the ground and was steadying

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himself with one hand rested on the back of the cart, when Jalbert made a rush behind him, and plunged his sword into Mr. Weir’s back with such violence that it transfixed his body. Surprised, writhing with pain, *helpless!!* and influenced by the first impulse of nature, the weapon was no sooner withdrawn, than Mr. Weir got under the cart, where he lay bleeding and in agony. After a short conference, the two assassins approached the cart, and commenced a most savage and brutal attack on their victim, one on each side; the other striking with his sword, as the wheel and the position of Mr. Weir gave opportunity. At length the axeman inflicted a severe wound on Mr. Weir’s left side, close to the hip. Roused by the brutal character of the attack, and the reflection that to remain where he was, would be to die by inches; Mr. Weir crept from under the cart, and regained his legs. Seeing these wretches again advance upon him, he resorted to the only possible expedient left; and, weak as by this time he was, he raised his right leg, and made a kick at Jalbert. The man with the axe seized the advantage of the moment, and aimed a heavy blow at the left side of Mr. Weir’s head. He saw the

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blow coming, and instinctively raised his hand. The blow took effect across the side of the head and on a line with the temple, After cutting off all the four fingers of Mr. Weir's hand, the axe laid his skull completely open, nearly severing the top of the head. The young man then sank upon the ground a dreadful object to behold."

30. At a late hour on the night of Dec. 29, a fire broke out suddenly in the interior of the Imperial Winter Palace of St. Petersburg. The emperor and empress were at the theatre, when the news was brought to them, and they immediately hastened to the spot. The cold was so intense that the thermometer stood at twenty-four degrees below zero of Reaumur, or fifty-four degrees below freezing-point of Fahrenheit, and the water thrown on the building would have frozen had not engines with apparatus for heating the water been used. This precaution, however, was soon rendered needless by the rapid extension of the flames, the heat from which was so great that the frozen surface of the Neva, near the palace, was thawed. Great numbers of people assisted at endeavouring to extinguish the fire, but all their efforts were useless. It first appeared in the hall of Peter the great, though some accounts make it to have begun in the offices on the ground floor. This vast palace, one of the largest in Europe, which accommodated 12,000 persons within its walls, was almost totally destroyed; it was built for the empress Elizabeth, in what is called the style of Louis XIV., though the interior was fitted up in a more modern manner. The emperor, who in person superintended and directed

the efforts used to extinguish the flames, is said to have shed tears at the sight of this disastrous conflagration. Through the care and activity of the soldiers of the guard, many articles of value, as the imperial jewels, and plate, and the ornaments and paintings belonging to the two chapels, are said to have been preserved.

31. CLOSING OF THE PARIS GAMBLING HOUSES. — Conformably to the financial law enacted in the session before last, all the gambling-houses of Paris were closed on Sunday, the 31st. of December, exactly at midnight. A bill stuck up in all the rooms warned the gamblers that the play would not be suffered to extend a single minute beyond the hour specified by the law. The salon, or circle des etrangers, the most fashionable of the gambling-houses, which usually was opened only at eleven at night, and closed at three or four in the morning, opened on the evening in question at nine o'clock, a notification to such effect having been sent round to the habitual frequenters of the place. On Saturday and Sunday the gambling-houses of Paris, especially No. 154 of the Palais Royal, and Frascati, were immensely crowded. Several dramatic incidents marked the last days of those odious establishments. A workman destroyed himself on quitting No. 113. Two young men who had lost large sums on the Thursday previous, had not returned to their homes on Sunday. On the night of the 31st., the rooms at Frascati were so thronged that there was scarcely a possibility of stirring in them. The tables were overladen with money. At ten such was the crowd inside that it was found necessary to shut the

street doors. From that time nobody entered, but a crowd had assembled in the rue Richelieu to see the gamblers make their exit. On the *ladies* leaving the house they were hooted, and it required an escort of the police to get them in safety to the Boulevards or some neighbouring vehicle. It was not before one in the morning that the crowd dispersed.

31. DEATH FROM THE BITE OF A SEA SERPENT. — Extract of a letter from the captain of her Majesty's sloop Wolf, Trincomalee, December 31, 1837:—"The melancholy decease of Mr. S. Hyman, took place in consequence of the bite of a reptile on board her Majesty's brig Algerine, at anchor in the Madras-roads, when a sea snake having been hooked by a marine, Mr. S. Hyman took it in his hands, and the reptile seized hold of his hand over the metacarpal bone of the fore-finger, and held the doubled-up skin firmly between his jaws, until he was forced to let go his hold. Mr. Hyman held the occurrence lightly, went down to his breakfast, and soon after felt some uneasiness in his throat, which quickly began to swell; the patient felt giddy, not long after insensible, and died exactly three hours after the accident. A few exceedingly small punctures were seen where the animal bit the hand. Soon after death the throat became discoloured, the body spotted, and it was found necessary to bury it the same evening. There were two medical men, who did all they could, and all that was possible on the occasion, but so very rapid and deadly was the poison that no good arose from any remedies, and the first hour was necessarily lost by the patient himself treating the

thing lightly and of no material consequence. The snake was preserved and examined by Mr. Bland, surgeon, of her Majesty's sloop Wolf, under my command, and was found to be six feet six inches in length, general colour yellow, with forty-three black rings nearly equidistant over the body; its thickness about six inches near the vent, from which the tail projected vertically, flat or compressed upper jaws, two rows of small teeth, inner row indented in the inner-maxillary bones like the common adder, but no fang teeth could be detected, nor could it be seen whether the snake had hollow or tubed teeth, from want of a powerful lens; the under jaw had one row of teeth, many broken and worn from age. The deceased was beloved by all."

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1838.

## JANUARY.

4. CHARGE OF MANSLAUGHTER AT SEA.—John Leggett, aged 43, and James Nesbitt, aged 34, the former the Captain, and the latter the mate, of a vessel, called the Margaret, were charged with the manslaughter of a seaman named Joseph Brown, upon the high seas.—The prisoner Leggett was the captain, and Nesbitt the mate of the vessel called the Margaret, and it appeared that on her voyage home from the West Indies she touched at St. Andrew's to take in a cargo of timber. The deceased man, Joseph Brown, was one of the crew, and he was the only man in the vessel who took ill on the voyage. He was, however, so seriously indisposed before reaching St. Andrew's, that it was found necessary to send him to an

hospital at that place. After remaining there some time, he was discharged, and sent on board the vessel, the surgeon having certified that he was able to perform his duty. The deceased, nevertheless, was in a very weak and debilitated state, and it was quite clear, that the surgeon was mistaken, and that the man was unfit to work. The captain and mate, however, treated the unfortunate deceased, both by the expressions which they used, and the course of ill-treatment which they adopted towards him, as a person who wilfully shunned his work, and was in fact, what sailors called a "skulker." Under this impression the deceased was used with very great severity by the prisoners after the vessel left St. Andrew's, and until she reached the banks of Newfoundland. He was forced upon deck by means of a rope which was tied round his body and exposed to the inclemency of the weather, and there could be no doubt but the severity with which he was treated, coupled with his weak and diseased state of body, accelerated his death, which took place the day before the vessel reached Cork. There was no surgeon on board. The prisoners were sentenced to two years imprisonment.

10. BURNING OF THE ROYAL EXCHANGE. — On the night of Wednesday, the 10th of January, this celebrated building was totally destroyed by fire. The flames were first perceived issuing from that portion of the edifice called Lloyd's coffee-room, in the north-east corner opposite the Bank. It was then about half-past ten o'clock; but the fire, it is supposed, had been burning for nearly two hours. The alarm was given, by one of the watchmen of the

Bank, for, strange to say, there was no watchman attached to the Exchange. It was some time before an entry was effected into the courtyard of the Exchange, as the gates were closed, and resisted the attempts of the firemen and police who first reached the spot to force them open. After the arrival of the engines, a further delay occurred, from the necessity of thawing the hose and works of the engines: the night was bitterly cold, and the wind blowing strongly from the north-east. By twelve o'clock, the whole of the long range of offices belonging to the Royal Exchange Insurance Company, Lloyd's establishment, including the Captain's room, the Coffee-room, and the underwriters' offices, were one mass of fire; and the flames rapidly extended to the south-west part of the quadrangle. The Bank and the neighbouring churches and buildings were brilliantly illuminated; and the spectacle, though awful, was of unequalled grandeur.

At about one o'clock, the fire rapidly approached the new tower erected about twenty years ago; and much alarm was felt lest it should fall over against the buildings on the south side of Cornhill. A strange sensation was produced by the chiming of the bells during the fire: the old and favourite tunes of "There's nae luck about the house," "Life let us cherish," and the national anthem of "God save the Queen," were heard in their turns amidst the shouts of the firemen and populace, and the crash of falling masses of stone and timber. The bells, eight in number, fell one after another, carrying along with them the roof, stone-work, and the arch over the centre entrance, to the pavement.

The north, the west, and great part of the south side of the building, were destroyed by half-past three; and the fire had reached the east side. The inhabitants of Sweeting's Alley were employed in removing the valuable property contained in their shops. By great exertion, the east side of Sweeting's Alley was saved, but the west was almost entirely burnt down, thus completing the destruction of the Royal Exchange. The statues of the kings and queens, placed in niches on the four sides of the interior of the quadrangle, were all thrown upon the pavement; but the statue of King Charles the 2nd, in the centre, sustained little or no injury.

The fire was not completely got under till nearly noon on Thursday; but the principal ravages had been committed before five.

The Lord Mayor, with several Aldermen and other city authorities, were present during the greater part of the conflagration: and the policemen were assisted by a party of soldiers from the Tower and the guard of the Bank. The crowd generally conducted themselves in an orderly manner, and gave less hindrance than usual to the firemen.

A large iron safe containing the Lloyd's secretaries books, was dug out of the ruins on Saturday the 12th, and opened in the presence of several of the committee; when it was discovered that the fire had reached the books, and partially consumed them. In the drawers were checks on the bank of England to an enormous amount, and also Bank of England notes, to the amount of, it was said, 2,500*l*. The notes were reduced to a cinder, and on the drawers being opened, the air, rushing in upon the tender

fragments, blew them over the Exchange. They were, however, very carefully collected; and the tinder of the notes was with much trouble and caution put into a tin case, which was taken to the Bank, and the words "Bank of England," with the numbers and dates, were distinctly traced.

During the confusion on the discovery of the fire, in removing some desks from a room in the north-east corner, in addition to the 500*l*. Bank of England notes, which were taken to St. Michael's Church, twenty sovereigns in a bag were thrown out of the window: the bag burst, and the sovereigns rolled about the pavement: they were all picked up by the mob, who appropriated them to their own use.

Only one serious accident is reported: a man had his legs broken by the falling of a chimney.

The statue of Sir Thomas Gresham, the founder of the Exchange, which escaped the great conflagration of the city in 1666, and which stood in a plain niche in the north-west corner of the interior arcade; was totally destroyed. Considerable anxiety was evinced regarding this statue, and an active search was made for it; to the regret of every one the fragments only of the statue were discovered; its annihilation was complete. It was a poorly executed work, but always an object of interest, from the fact of its being the only one which escaped the great fire of London.

In searching the ruins under the Lord Mayor's court-office, the great city seal was picked up, with two bags containing 200*l*. in gold uninjured.

The records of the Mayor's court office, which had been kept

in that depository since the year 1820, were consumed. The greater part of the more important books and documents belonging to Lloyd's establishment, were preserved, principally through the presence of mind and exertions of Mr. Guthrie, (of the firm of Guthrie and Chalmers), who being a subscriber, and well acquainted with the localities, directed, and personally assisted, in their removal.

It appears that in this conflagration, the whole of the Royal Exchange, comprising four wings, occupied as Lloyd's coffee-rooms, the Royal Exchange, Shipping, Fire and Life Assurance offices, the Gresham committee-rooms, the British Merchant's Seamen's Institution offices, and other offices belonging to numerous individuals; was totally consumed. The Exchange was the property of the Gresham committee and the Mercer's Company. The whole of the building was ensured in the Royal Exchange insurance company.

During the fire, bridges over the Thames were crowded with people, and the flames were distinctly visible at Windsor Castle; a distance of twenty-four miles from Cornhill. An Essex farmer stated, that the fire was seen at Thoydon-mount, near Epping, eighteen miles from London. On the high lands of Surrey, within ten miles of the metropolis, the progress of the conflagration was observed by the country people, who watched the destruction of the tower when the flames ascended that part of the edifice.

The water from the numerous plugs which were open, rose to such a height that the cellars and ground floors of a great number of houses and warehouses were

overflowed, and caused much damage.

An inquiry was instituted into the origin of this destructive fire, but nothing positive could be ascertained on the subject. It was the general opinion of the architects who overlooked the ruins that it was occasioned by the overheating of a stove in or below Lloyd's rooms.

11. TRIAL OF THE GLASGOW COTTON SPINNERS. (SCOTLAND.)—The High Court of Justiciary was occupied from Wednesday the 3rd. to Thursday the 11th instant, with the trial of five Glasgow cotton-spinners.

The prisoner Thomas Hunter was president or chairman of the Association, or Committee, or Court of Directors of the Glasgow Operative Cotton-spinners; Peter Hackett, Treasurer and Member of Committee or Court of Directors, and of Supply Committee; Richard M'Neil, Secretary, and ditto; James Gibb, assistant Secretary, and ditto; William M'Lean, Member of the Guard Committee, and had acted as a Guard.

The indictment charged the prisoners with twelve offences. 1st, With framing an association with other parties, cotton-spinners of Glasgow, for the purpose of intimidating and molesting spinners who did not conform to the rules of the Association, but worked for lower wages than the Association fixed. 2nd, with mobbing and molesting spinners at work at the Oakbank factory, on the 8th and 9th of May 1837. 3rd, With the like offences at the Mile-end cotton factory. 4th, With conspiring to set fire on the 23rd of May, to the factory of Messrs. Hussey and Son, Dale Street, Bridgeton, and

offering 20*l.* to any person who would attempt that crime. 5th, With appointing a secret committee, by ballot, on the 14th June, for the purpose of setting fire to cotton-mills, sending threatening letters to proprietors of cotton-mills, invading the dwellings of, committing assaults upon, and shooting at or murdering, cotton-spinners. 6th, With especially offering a reward of 10*l.* for an assault on workmen at the Adelphi cotton-mills. 7th, With sending a threatening letter, dated 20th June, to Alexander Arthur. 8th, With sending another letter of like import, on the 3rd of July. 9th, With sending a similar letter to John Bryson. 10th, With breaking open the dwelling of Thomas Donaghey, and forcing him to promise not to work at the mills. 11th, With setting fire to the house of James Wood and Francis Wood, cotton-spinners, of Bridgeton. 12th, With hiring the prisoner M'Lean to murder John Smith, an operative cotton-spinner, for a reward of 20*l.*

We proceed to state the more important parts of the evidence. Mr. George Salmon, Procurator Fiscal, deposed to having arrested the prisoners at Smith's Tavern, Black Boy Close, Glasgow. He found a Bible and some papers on the premises, and 19*l.* in Hacket's pocket, said to belong to the Association.

James Moat, a cotton-spinner, was next called; the Court, at the instance of the Lord Advocate, having promised him full protection, the Lord Advocate said this assurance was necessary, as, owing to the intimidation exercised by the combined cotton spinners, he had had the greatest difficulty in procuring evidence.

The counsel for the prisoners objected to Moat's evidence being received; on the ground that he was unduly biassed by the reward of 500*l.*, offered by the sheriff of Lanarkshire, and 100*l.* offered by Lord John Russell for the discovery of the murderer of Smith. The Court overruled the objection, and Moat was examined. He stated that he had been a member of the Association of Glasgow operative cotton-spinners for more than twenty years. He was "initiated,"—that is, sworn to conceal the proceedings of the association, and to obey its rules. The same oath, he believed, was still administered, but he had not seen any other person sworn since 1830. He was a member of the Supply Committee during the last strike. In ordinary circumstances, and where there was no strike, there was only one committee,—namely, the Finance, for general purposes; but when particular circumstances arose, special committees were appointed. A general strike took place at the end of the year 1826, at which time a Supply Committee was appointed. There was a Secret Committee in existence in 1824. The Secret Committee was appointed out of the District Committees. There were three districts in which the various works were situated; four men were sent from each district; and out of the twelve sent from the three districts, three men were chosen as a Secret Committee. They were nominated by the president or director of the whole Committee. The names of the Secret Committee were not revealed to the trade generally. He never saw a Secret Committee appointed afterwards, but heard a new method of election proposed in 1837; he heard it proposed on



the last night he was with the Supply Committee. The mode proposed was, that the delegates representing each work should bring in a name of an individual belonging to his work with him ; and these names being all put into a hat, three names should be drawn out, and then those whose names were so drawn should be appointed secret Committee-men.

In 1822 or 1823, one Carroll was burned with vitriol, and the men who committed the offence received "aliment" or pay, not professedly for injuring Carroll, but for "God's sake." In 1837, a Guard Committee was appointed, to threaten and injure men who worked at mills, where the regular workmen had struck. Of the managing Committee, Hacket was the most active ; but M'Neil and Gibb were useful members. Hunter was generally the president. A Secret Committee was appointed after the Guard Committee, and about six or seven weeks after the strike in April 1837. A public meeting of operatives was held in Glasgow Green in June the same year ; it was on that night that the Secret Committee was appointed. The purpose of the meeting on the Green, according to the placard calling it, was to procure "immediate and permanent relief" to the operatives generally. Witness was present at the meeting in the evening ; it was a meeting of select delegates, and it took place in William Smith's, in the Black Boy Close, in the Gallowgate. There might be about forty delegates present. That meeting was called by the committee. Delegates were called from every shop. It was at that meeting the Secret Committee was appointed. The prisoner James Gibb was in the

chair. The proposal of the Secret Committee was introduced by the prisoner Thomas Hunter ; but witness understood Hunter's object to be to get a more efficient mode of gaining the object of the association. Hunter did not speak out openly what that mode was which he wanted ; though it was generally understood by those who had been any time members. Hunter did not even mention the word Secret Committee ; it was John Davis who moved for a Secret Committee. The motion was carried nearly unanimously. A man of the name of M'Gowan objected to it, and said he considered it disgraceful. Witness himself also opposed it, on the ground that it would raise fresh suspicions against the men in the minds of the masters, and make them more determined in opposing the men than ever. From witness's intimate knowledge of the affairs of the association, and what he had heard in the meetings, he would say, that the chief design of the Secret Committee was to destroy life and property. The witness was shown a book, in which was an entry of a payment of 19*l.* for expenses with "nobs," or men who worked at mills in defiance of the association : he had no doubt that the money had been laid out in "reasoning" or drinking with nobs, or in payments to persons for maltreating them.

Moat was rigidly cross-examined ; but his testimony was not shaken.

The next witness, James Murdoch, gave very important evidence. Having stated, that he had joined the Association in 1816, he proceeded as follows :—An oath was put to me on joining the Association, one branch of which was

secrecy, the other to abide by the majority in every thing regarding the trade. A Bible was made use of in administering the oath; it was put under the right oter (arm-pit); the word was "Ashdod," which occurs in the 20th chapter of Isaiah, 1st verse. I forget the signs. The use of them was to be known to the brotherhood of the Association. There was a change in the word in 1822, which then began "Armageddon," Revelations, 16th chapter, 16th verse; but both were administered at the same time. The oath was also changed, and was a great deal to the worse. Nobs are workmen who take work during a strike at the reduced rates. There are different kinds of nobs. Those revealing the names of the Secret Committee are the greatest nobs; and speaking to any one revealing the Secret Committee, is nobbing also. It is nine or ten years since I was present at the administration of an oath. That oath contained something that I do not recollect in respect of masters, that was not in any of the other oaths. The Secret Committee acted for themselves alone; they could not be controlled by the body. It consisted of three, and it was not to be known to the trade who they were. It had the power of the whole money belonging to the Association. It was expected that the Secret Committee would put the women out of Broomward factory, and the first attempt that was made to do this was to set fire to it. I knew this from it appearing in the public papers, and in the schedule-money paid for it by the association. The entry in the schedule for it was "colliery;" which meant the money paid for the attempt to burn the factory.

It was a word used for some years for purposes of that sort. Under this Secret Committee, two men were sent to America at the expense of the trade, that I considered had committed an act of violence. This act of violence was entering a woman's house, a widow of the name of Macpherson, who was murdered, instead of her daughter, who had been working in that factory. I knew the perpetrators of the deed.

A spinner, named M'Quarry, was shot at and wounded in 1820. Payments were made on that account to Andrew Darrock, Owen Callaghan, and Campbell. One of them has since been transported for shooting at Mr. Orr, in Paisley. Campbell told me that he got 15*l.* for this act. It was entered under the head of "colliery." I was an eye-witness to the shooting at M'Quarry. Campbell shot him in the Green, at Glasgow, in the afternoon, in the summer season, in clear sunshine. M'Quarry recovered of this wound. I did not give information, because I was afraid of similar consequences. I remember Graham being shot; after which a Secret Committee was appointed to act openly, to prevent similar occurrences; and the person who shot him was publicly tried, horsewhipped, and transported for life. A payment of 20*l.* was claimed by Daniel Orr, for this deed, in regard to which references were made to five individuals, of which I was one; the claim was to the effect, that he was hired in a house at Burrowfield-toll to shoot at Graham, and his demand for so doing was 20*l.* from the Association. He produced Thomas Paterson, a cotton-spinner, to prove that he was the man who was hired to do this. We were

satisfied with the evidence, and awarded him the sum. The expenses of Kean's trial for shooting at Graham were paid by the Association.

Murdoch then detailed several instances of men and women who had been injured in various ways for being "nobs;" the Association paying the person who maltreated them.

Henry Cowan deposed to the facts of combustibles being thrown into Hussey's mill; of rioting at Oakbank and Silverburn mills; and the breaking open of Donaghey's dwelling. The perpetrators of this last offence received 3*l.* from the Association. The witness went to gaol for security on the 19th December, a large stone having been thrown into his house about three o'clock in the morning, which frightened him. Before the strike, he could earn from 1*l.* to 2*l.* a week; some could earn more than 2*l.* He now got only 1*l.* 1*s.* for the same work which used to bring him 1*l.* 4*s.*

Mr. Alison, sheriff of Lanarkshire, gave an account of the outrages at the Oakbank and Mile-end factories; and described the alarming state of Glasgow and the neighbourhood, owing to the crimes of the combiners, during the last summer. He stated that in the beginning of May 1837, there were tumultuous assemblages of men in different places, and particularly about Oakbank. From 500 to 800 people assembled on the road leading to that place. Blood was seen on ten or twelve of the new hands lately taken in there. In consequence, it was considered necessary to call out the military—a squadron of lancers were sent to Oakbank, and were met there by the sheriff and pro-

vost, but the assembly had been countermanded, and after this no riotous persons assembled at Oakbank. About a week after this, the mobs began to assemble at Mile-end, which is out of the county. A man was taken and tried before the sheriff, and sentenced to three months imprisonment. There was a man named Kiddle, tried for rioting, who was defended by the agent for the Association, Mr. Gemmell. Kiddle was, however, convicted on clear evidence, and was just going to be sentenced to three months in Bridewell, when Mr. Gemmell stated, that if the prosecutor would not move for sentence, he thought he could persuade the spinners to give up their proceedings altogether. The proceedings were adjourned for a week; at the end of which, Kiddle was again brought up; and Gemmell stated, that the Association had agreed to stop the rioters' proceedings altogether, if sentence were not pronounced. There were some other prisoners at the time, who were told, that if they behaved quietly, all proceedings would be dropped against them. Till the Committee was arrested, on the 29th of July, the complaints of violence were almost perpetual: they were of isolated acts, and generally of fire-raising. A murderous assault on Smith was committed, on the 23rd of July, and Smith died on the Tuesday following, in the Royal Infirmary. Some days elapsed till an investigation was begun. On the 28th, information was received from Mr. Salmond, the Fiscal, that certain individuals were willing to give information if they were protected from danger. Mr. Alison met the persons in an obscure place in Glasgow, and took their

depositions. They would not come to his office. He got information that another individual named was to be murdered the next day, Saturday, and that the committee would meet on that day. He procured a body of twenty policemen, with Capt. Millar at their head, and went to their place of meeting, the Black Boy Tavern, exactly at ten o'clock at night on the 29th of July; and fortunately succeeded in arresting them all at once—fifteen of them.; and three others were arrested afterwards, in the room where the Guard Committee met. All the papers found in that room, and others that were found in another room in an iron safe, were secured. All the prisoners, except M'Lean, were arrested at this time. From that day no acts of violence were committed, which could be traced to combination. There was a public meeting on the Green on the 31st, to consider what was to be done in consequence of the arrest; the strike terminated within five days, and the mills were worked as usual.

The foregoing evidence was corroborated by several witnesses. The evidence of the murder of Smith was next gone into, with the view to convict M'Lean. The principal witness was Robert Christie, who kept a public-house in Hospital-street, Hutchison-street, which M'Lean was in the habit of frequenting. Christie detailed the substance of several conversations he had with M'Lean, before and after Smith's murder; which, if the witness spoke the truth, would leave no doubt that M'Lean shot Smith in the back, on the night of the 22d of July. But M'Lean was drunk while making these revelations; and

Christie, a man of indifferent character himself, might have been influenced by the high reward offered. There were, however, several circumstances which strongly confirmed the suspicion that M'Lean was the murderer. The personal description of the man who was seen to shoot Smith, answered exactly to M'Lean's. M'Lean made an attempt to get off to America, and absconded the same week that Smith was murdered. He was apprehended at his father's house in Stirlingshire, where he gave a false name to the policeman. He shook dreadfully whilst he was ironed, but said nothing. It was another suspicious circumstance, that the Secret Committee got up a certificate to prove an *alibi* in favour of M'Lean; which part of the case broke down, as some of the witnesses, who had testified to being in M'Lean's company in a public-house at the time the murder was committed, contradicted themselves. All the *direct* evidence against M'Lean was his own confession, when drunk, to Christie and another person, that he had "done the trick," and taken "damned good care that nobody should see him," showing a pistol, in his pocket, at the same time.

For the general defence many witnesses were examined. They denied, that it was the practice of the Association to administer any oaths to members, or that money was paid for illegal purposes. The object of the Association was to secure the work-people against the attempts of masters to lower the rate of wages, and to support men and their families out of work. When asked what was meant by payments to "Number 60," one of the witnesses said that "Num-

ber 60" merely represented spinners out of work. Several of the witnesses injured the defence, by pretending, at first, they had never heard of outrages which were perfectly notorious, and then, under cross-examination, admitting that they were cognizant of them. The prisoners themselves admitted that they held the offices attributed to them.

Lord Justice Clerk, in charging the jury, observed, that that part of the case respecting the guilt of M'Lean, appeared to him involved in great doubt, and urged upon them not to rest their verdict upon mere suspicions, however strong. With regard to the other prisoners, he thought it could hardly be doubted but that they were the moving power in this dangerous conspiracy, and responsible for its acts.

After deliberating for five hours, the Jury returned with a verdict finding, by a majority, all the prisoners guilty of the first, second, third, and tenth charges; and unanimously finding the other charges "not proven."

The Court then sentenced the prisoners to seven years' transportation.

14. THE WEATHER.—The frost set in on the 7th, and continued to increase in intensity during the week. On the 14th, the mercury in Fahrenheit's thermometer was observed to have fallen during the night as low as 22 degrees below the freezing-point.

— ACCIDENT ON THE SERPENTINE RIVER.—In consequence of the fineness of the day, a great concourse of persons was in the park. Ropes were placed across the Serpentine, suspended by lofty poles on each side. About the centre there was one intimating

that to the east the ice was not safe and where few persons had collected; but to the west of it there were, apparently, 4,000 or 5,000 persons, the greater part of whom amused themselves by sliding. Shortly after half-past four o'clock, a shout was raised that there was some one in the water, it was found that a female, who with several others was on a slide, had sank by the fracture of the ice. Immediately her danger was seen a gentleman offered her his stick. She grasped it, and was for a few moments suspended. Several persons in a line, the foremost of whom held the gentleman, laid hold of each other, and it was expected that she would be supported until she was relieved by the men of the Royal Humane Society; but before they were able to reach them the ice gave way and they were all immersed. There were eight or nine in the water, the spot where the ice broke being about the centre of the river. The female was heard to exclaim, "Oh, save me, save me!" Her voice, however, failed, and it was supposed she had sunk. By the great exertions of the Society's men, some of whom were themselves in the water, the whole were extricated. The boat containing the body of the female, was being brought ashore to the receiving-house, when a more distressing scene followed, since, owing to a crowd being collected near the boat, the ice again gave way, and many more fell in. The female, upon this second disaster, was placed on a ladder and taken to the receiving-house, as the boat was in the water. Ropes and ladders were then employed, and thirteen more individuals were drawn out. One of these, an Irishman about thirty years of age, and



the above mentioned female were beyond recovery.

A Coroner's inquest was held on their bodies on the Tuesday following, and a verdict of accidental death returned.

— FIRE AT PARIS.—The Italian Opera-house (not the Académie Royale) at Paris was burnt down on the night of Sunday the 14th. There had been a performance that evening; and it was after the audience had withdrawn, and the theatre had been closed, that, about half-past twelve, the flames were seen by a fireman on duty, bursting forth from the musician's saloon, which was warmed by a stove and two hot tubes. Notwithstanding the immediate efforts made to check its progress the conflagration spread with fearful rapidity. By half-past two the whole of the building was in flames. On account of the severity of the frost, there was much difficulty in procuring water; but the lines for passing buckets were formed with the greatest readiness, and well served, notwithstanding the intense cold that prevailed. Immense clouds of smoke and burning particles shot up into the air, high above the roof of the building; and at one time the flames themselves were twenty or thirty feet in height above its walls. The wind was from the south; and firemen were stationed on the roof of the French Opera, to guard against the shower of sparks that fell upon it, as well as on all the houses on that side of the Boulevards; fortunately, however, no fresh conflagration was caused by them. M. Severini, acting manager of the Italian Opera, who resided in the building on the fourth story, endeavoured to escape by tying sheets and blankets toge-

ther; but whether through agitation, or from some accident which it is now impossible to ascertain, fell into the street and was killed on the spot. Had this unfortunate gentleman remained a little longer in his apartment, he would have been preserved, since his two servants and two children were safely brought down from thence. The escape of M. Robert, the other manager, was most extraordinary. He was in bed in his chamber on the second floor, when the flames burst in. He immediately wrapped himself in his dressing gown, gathered up the sheets and coverlid of his bed, and got on to the roof by one of the skylights. Hence, being hard pressed by the fire, he slid down to the parapet; and tying the sheets and counterpane together, and fixing one end firmly to the top, he got by these means within sixty feet of the ground; where he remained suspended for some time, till at length, by an effort which under other circumstances he never could have made, he gained the balcony, from which he reached the ground in safety, by a knotted rope which one of the firemen threw up to him. Besides M. Severini, five firemen are said to have perished, being crushed by the falling-in of some part of the building.

15. TRIAL IN THE QUEEN'S BENCH, DUBLIN.—This trial was the first of the kind that ever occurred in Ireland, and was remarkable for the character of the witnesses by which, on both sides, it was sustained, as well as for the singularity of opinions elicited. It was a traverse of the finding of a jury, which had been empannelled by direction of the Lord Chancellor, to inquire into the state of mind of a Miss Neville;



and that jury upon an *ex parte* inquiry having found the lady of unsound mind, and incapable of managing her own affairs, she applied to the Lord Chancellor, who granted (what, according to the constitution was her undoubted right) liberty for a trial before a jury of her countrymen; and an issue was accordingly directed to the Queen's Bench.

The proceeding partook in its form of a criminal character, for the Attorney-General appeared as a prosecutor on the part of the crown. Miss Neville's father was in his lifetime a member of parliament, and one of his nephews represented an English county. She, it appears, received an excellent education, and at an early age became deeply versed in the Holy Scriptures. Being of an enthusiastic disposition, she was peculiarly struck with the prophetic writings, and by the study of the prophecies, both with regard to those which have been fulfilled, and which are in the progress of fulfilment, her sympathies became peculiarly excited on behalf of the Jewish people who are scattered over the face of the earth, and she determined to aid as far as she could in their conversion. She did actually correspond with some of the most eminent people of the day in different countries; and her counsel asserted that through her instrumentality a school for Jewish children was established in Prussia, under the sanction and authority of the king. Unhappily she was destined to be a sufferer from her childhood—she was four years confined to her sofa with a complaint in her back. In the year 1813 Miss Neville, then a young and enthusiastic girl, fancied that the Saviour appeared to her

in a vision, and that he told her that she should be the means of restoring the Jews to Idumea. She expressed some doubts as to the incapacity of a weak woman for such an undertaking, and our Saviour told her that for her unbelief she should lose the use of her arm; and she did lose the use of her arm. She thought, further, that she was to be made the subject of another miracle; for that, upon receiving the holy communion, she should be able to walk. She had not walked for sixteen years before; and, to the surprise of her friends, she did walk upon the exact occasion which she herself assigned as the period of her restoration. She believed, that she was further told that her arm was to be restored to her as a sign of the accomplishment of her mission. This vision was the foundation of that mental disease which ended in monomania.

With regard to the miraculous restoration to the use of her limbs, an eminent surgeon, Dr. Maurice Colles, proved that he never believed at the time when he was in attendance upon her that she was unable to walk—that although extremely delicate, it was only a fancy of her own that she was deprived of the use of her limbs.

From the period of that vision up to that of the inquiry, the poor lady indulged in her favourite notion. She went to the expense of nearly 400*l.* in the printing of geographical cards for the instruction of Jewish children in Prussia; those cards were in the English language. And she engaged an engraver to print notes, by the circulation of which she expected to defray the expenses of the cities she intended to have built, which were to be called in as soon as

the mines with which, as she thought, the country abounded, could be worked. She drew plans of fortifications, executed so beautifully as to astonish one of the first architects in this country, and she had taught herself to a certain degree the Hebrew language.

Having upon two different occasions got herself into serious difficulties (her fortune was about 1000*l.* a-year), her family had to interfere; and having learned that she was duped by persons who, encouraging her in her delusion, extracted money from her under the pretext that they were negotiating successfully with the Pacha of Egypt for permission to allow her Jewish families to land in his territory, they deemed it right to have her placed under the protection of the Court of Chancery.

The issue to be proved embraced two questions. First, as to the sanity of her mind, or rather as to the extent of that one delusion, for she was admittedly sound upon all other subjects. Then, having determined that she did labour under a delusion, as to whether that was of such a character as to render her incapable of managing her own affairs.

Her counsel, Mr. Blackburne in his able speech, first reviewed the opinions of the Christian world as to the conversion and restoration of the Jews, and showed that the speculative opinions of Miss Neville upon this subject, were not opposed to those of many able, learned, and pious individuals. He showed that although Idumea, the Edom of the prophecies, is a sterile and desolate country, as described in the sacred writings, yet that many do hold that that

is yet to be the country of the Jews. Until lately, strange to say, the position of that country was unknown; its discovery, with the ruins of its thirty cities, is one of the most remarkable confirmations of prophecy of modern times, and, Laborde, from whom the learned counsel quoted, shows that it does abound in mines and in precious stones, the belief in which was one of the supposed proofs of his client's delusion. Mr. Blackburne proceeded to show that her ideas regarding the Pacha of Egypt were perfectly just. The Turkish power was in that state that its speedy overthrow was a likely occurrence, and that in such an event the Pacha of Egypt, one of the most remarkable men living, would be placed in such a position as to be the very person who would be looked to for the protection of the Jews, supposing them to land in Egypt. The learned Gentleman then argued that as it was no matter how idle such a prospect might be, by the issue of notes depending upon the working of mines in that country that she hoped to carry her plans into effect, and not by the means of her own fortune, that, therefore there could be no apprehension of her property being destroyed. He then went into a review of her yearly expenditure, for the purpose of showing that she managed her property carefully and well, and wound up his speech by a most affecting appeal to the jury.

Mr. Keating, in reply, said, that it was to rescue this lady, whose counsel he claimed to be, from swindlers who took advantage of the affliction with which God had visited her to make her their dupe; that her family sub-

mitted to the pain of that public exposure.

The lady herself, was examined by the jury in chamber, and it appears she there detailed her vision, and the impression it produced upon her, with perfect consistency, although she knew the object of the inquiry.

The Rev. Dr. Singer proved almost all that related to the opinions entertained by Miss Neville. He gave an affecting account of the methods he took to disabuse her mind of the delusion under which she laboured—of his partial success and final failure. The Rev. Charles Henry Minchin proved to his having met with an impostor named De Grave at her house, dressed out in Turkish costume. This man, it appeared, got an order from her, for 50*l*.

Dr. Crampton, as a medical man, proved that he considered her incapable of managing her own affairs.

On the other hand, three medical men proved that they did not consider that her disorder did incapacitate her from managing her own affairs. Surgeon Benson went so far as to say that very few people were sound upon all points. Dr. Orpen, who knew her intimately for a considerable number of years, could hardly admit that she was even a monomaniac. He said that he had never heard her utter an opinion upon the subject of the conversion and restoration of the Jews that he had not himself read in some book; and that he could account upon physiological principles for her mental ideas in some respects, as well as for those sudden affections which she called miracles. Every witness bore testimony to her active untiring benevolence. It appears

that she provided for fourteen cholera orphans; that she was gentle, affable, and agreeable in manners.

The jury came twice into court, the foreman each time declaring that they were unanimous as to the delusion, but divided as to the second question. After deliberating eight hours, they at last agreed to the verdict—"That she was incapable of managing her own affairs."

16. STEAM-VESSELS ON THE THAMES.—After three years' delay a most important decision was pronounced in the Court of Queen's Bench, on Tuesday, respecting the right of the Watermen's Company to regulate the speed of the steam-vessels in the Pool. Mr. Combe, at the time one of the Thames Police magistrates, convicted the master of the Star steam-packet in the penalty of 5*l*., for navigating his vessel at a greater rate or speed than five miles an hour between London-bridge and the custom limits of Limehouse Reach. The penalty was resisted by the Star Company upon the ground that they had no jurisdiction under the Watermen's Act. The magistrate enforced the penalty by distress upon the goods of the captain, upon which an action was brought against the magistrate, and a special case was raised for argument, the decision on which, it was agreed, should bind or invalidate another conviction by the Thames Police magistrates. The special case was several times argued before the judges, and on Tuesday Lord Denmandelivered the unanimous opinion, deciding in favour of the Watermen's Company, and consequently affirming the conviction of Mr. Combe, and the validity of the forty-second by-law

made by the Lord Mayor and aldermen, and approved by Mr. Baron Vaughan. Since the validity of the by-law has been questioned, the steamers have had it all their own way; numerous lives have been lost, and numberless accidents have occurred, from the rapid navigation of the steamers between London-bridge and Greenwich. The following is a copy of the by-law which is now confirmed by a solemn decision of the Court of Queen's Bench:—"That no steam-boat or vessel shall navigate upon the said river, between London-bridge and the custom limits of Limehouse-reach, at any greater rate or speed than at and after the rate or speed of five miles or knots in one hour; and that if the master, pilot, or other person having the management or command of any such steam-boat or vessel, shall navigate the same within the last mentioned limits, at any greater rate of speed than as aforesaid; he shall forfeit and pay for every such offence any sum not exceeding 5*l*."

— THE WEATHER.—At a general meeting of the Horticultural Society, Dr. Lindley read some observations on the state of the weather, drawn up at the gardens. The last quarter of 1837 was remarkably mild, the average height of the thermometer being 51 deg., and on Christmas-day standing at 54 deg.; the lowest degree of cold being five degrees above the freezing point. The coldness of the night of the 14th instant was, as compared with tables given in Luke Howard's *Climate of London*, equalled in January, 1823, and exceeded in the same month in 1827, when the thermometer stood at five degrees below zero; but the mean temperature did not appear lowered to a corresponding

degree. The meteorological register kept at the Horticultural gardens, from Dec. 5 to Jan. 16 gives, barometer highest Jan. 8, 30, 447, and lowest Dec. 20, 22, 273; thermometer highest Dec. 19, 55 deg., lowest Jan. 14, 4 deg.; and quantity of rain 1,42 inches.

20. THE WEATHER.—The very low state of the thermometer, had not been equalled during the preceding eighteen years. The severity of the frost was of longer duration than in 1820, having continued, without intermission, from the evening of Sunday the 7th to Saturday, the 20th, without a change.—At half-past six A. M. on that day, the thermometer at the receiving-house of the Royal Humane Society, in Hyde Park, stood at 3 degrees below zero of Fahrenheit, which is 35 degrees below freezing point. At eight o'clock, the mercury had, however, risen to 2 degrees above zero. At twelve o'clock it stood at 9 degrees, and at four o'clock at 18 degrees, but at eight o'clock in the evening it had again sunk to 14 degrees. The most extraordinary depression of the mercury in the thermometer is noticed having taken place at Wellingborough; where, at half-past eight o'clock, on the morning of the 15th, in an elevated station, with a north-eastern aspect, the thermometer was down to one degree.

— LOSS OF THE KILLARNEY STEAMER.—The Killarney steam-boat sailed from Cork for Bristol on the 19th, with nine cabin and a number of steerage passengers. The wind soon blew hard; and the captain was obliged to put back in a storm of snow. He ran up as far as White Point, where he dropped anchor, but went to sea again about five in the evening,

although the weather had not moderated. The vessel got as far as Youghall; when one of the pipes of the engine became choked; the engine-room was filled with water, and the fire put out. The captain set sails, but they were shivered in the gale; and the vessel drifted at the mercy of the waves, till she struck, on Saturday night, the 20th, upon a rock called the Rennies, to the westward of Robert's Cove. This rock was in the centre of a bay, the jutting promontories of which are perhaps a mile apart. It is about 200 yards from the cliff (there is no beach) and the cliff, which is quite perpendicular, is about 300 yards above the sea. About twenty persons got upon the rock: where they all remained till Sunday morning, except a young man of the name of Foster, who slipped from the rock, and a Mrs. Law, who was washed off, her husband having previously been drowned upon the wreck of the vessel. On Sunday morning, great efforts were made to rescue the persons on the rock; and a rope was passed from one headland to another, till it could be thrown on the rock. Unfortunately, two men got upon the rope together, when it broke, and the poor fellows were drowned. There was no time to procure better apparatus, and the passengers were obliged to spend another night in their dreary quarters. Five of the number died during the night from cold and hunger, and one man, a seaman, was drowned in endeavouring to swim ashore. Next day those who remained were taken off by means of a rope and a basket. There was not a vestige of the vessel left; twenty-five persons went down in her.

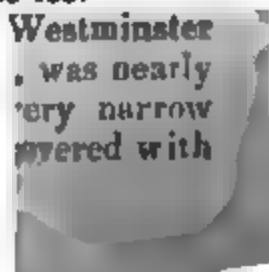
The inquiry into the cause of

the wreck of the Killarney steamer terminated on Friday evening last; when the jury found, that the deceased Morrisson, on whose body the inquest was held, was drowned in the Killarney wreck, on Saturday, the 20th ult. They also find, that George Bailey, the master, did his utmost to save the lives of the passengers and the vessel, except inasmuch as he did not go below to the engine-room to see what stopped the engines. They also find, that the great number of pigs in the vessel accelerated her destruction; and they recommend that an application should be made to the proper authorities for some salutary regulations in the future navigation of steamers on this coast, and that life-boats, and such means, should be resorted to for the preservation of life, &c.

-- SUFFOCATION.—On the night of the 20th, the cook (a man) and four stable-boys, all servants of General Wyndham, at Sladeland in Sussex, were suffocated by the fumes of a charcoal fire, which they left burning in their room when they went to bed.

21. STATE OF THE RIVER THAMES.—The Thames was, on Saturday and Sunday, the 20th and 21st, completely blocked, the navigation was stopped *in toto*, and a spectacle which has not presented itself for many years was observed. Several men passed over the ice in safety from one shore to the other, below bridge, and during the whole of the day there was a regular communication between the vessels lying in the middle of the river off the Tower, and the shore over the ice.

The river between Westminster and Vauxhall Bridge, was nearly one sheet of ice; a very narrow channel, which



large masses of floating ice, being still open. Navigation was, however, quite impossible, and business at the whole of the wharfs, along both shores, at a stand-still. Above Vauxhall-bridge, to beyond Battersea-bridge, there was scarcely any motion perceptible in the ice in the centre of the river, and towards the banks the ice was of considerable thickness. Above Hammersmith-bridge the river was completely frozen over; and near the water-works of the West Middlesex Company, on the Middlesex shore, several persons ventured across.

There was a block on both sides, with few intervals, between London-bridge and the eastern entrance of the London-dock at Shadwell. Opposite the Thames Police-office, people were passing right across from one shore to the other nearly all day; but, strange to say, from that point to the lower entrance of the London-dock, the middle of the stream was free from ice, both sides being covered. From the London-dock pier, however, immense fields of ice were seen as far below as the eye could reach; and embedded in them were several barges, and boats, and steam-vessels.

There was a complete "block" at Blackwall. The ice extended half over the river, and all the vessels, boats, and barges were frozen in. No steamers came in or went out of the river on the 20th, and it appears that the various reaches below Greenwich were as full of ice as the upper and lower pools. From that time forward the business

About noon, the wind veered toward, and the ice was

On the 21st, the thermometer at the receiving-house, Hyde-Park, rose as high as 47 degrees, with a south-easterly wind. A rapid thaw commenced, which was, however, suspended as night advanced, and, in the course of the week, the frost returned with nearly an equal degree of intensity as before. On Thursday, the 22nd, a sheep was roasted whole on the ice, near the centre of the river, near the Suspension Bridge, Hammersmith.—Three little gambols were formed on the ice, opposite the east corner of the Crown-Home, and the game was played by great numbers all day. There were also two fires on the ice, and persons with beer, liquor, and other refreshments, which brought to the recollection of many the celebrated frost fair on the Thames, during the severe winter of 1814.

25. FIRE AT GOTHA.—On the 25th, a fire occurred at the Petit-Chateau of Gotha; by which the suite of apartments, lately fitted up, with much taste and magnificence by Duke Alexander of Wurtemberg, for the reception of his bride, the Princess Marie d'Orleans, was almost entirely destroyed. The duchess was in her bed-room with one of her attendants, when the curtains of her bed caught fire. She made an attempt to extinguish it, but, as they were of muslin, they blazed up with such force, that the drapery above, which was of the same material, was instantly involved, and in a few seconds more, the whole chamber was on fire. The princess had not time to make her escape.

so sense, that all were in, and no need. The effects of their



and nothing left but the bare and blackened walls; the furniture, tapestry, hangings, glasses, and the whole of the rich trousseau of the duchess, had perished. Her royal highness had also to regret the loss of many invaluable memorials of her youth and her native country. Her family portraits her albums, her collection of letters, as well as the paintings, and small statues and groups, which were the work of her own hands, all were devoured by the flames.

31. BIGAMY. — In the New Court, Arthur Battersby, who had lately gone by the name of Henry Napier Disney, the son of a gentleman of good family in Dublin, was tried on a charge of bigamy. It appeared that after his first marriage to a Miss Muckleston, in 1826, the prisoner went to India as a private soldier: he returned in time to join the British Legion in Spain, when his gallantry procured him a lieutenant's commission. Subsequently, he had married a Miss Stovin, a lady of fortune, his first wife being still alive. In his defence, Mr. Charles Phillips cited a statute of James the First, which enacted, that when married persons had been absent from each other for seven years, without hearing that either were alive, another marriage would not render either party liable to punishment for bigamy. The main question in the case before the Court was, whether it was incumbent on the prosecutor to prove that the prisoner was aware that his first wife was alive. The only evidence to prove this was given by Abraham Newland, a fellow who admitted that he had endeavoured to extort money from the prisoner for withholding his evi-

dence. The Common Sergeant consulted with the judges in the other courts, and then decided, that satisfactory proof should be given by the prosecutor, that the prisoner knew his first wife to be alive at the time of his second marriage. The jury, nevertheless, found the prisoner "guilty."

He was sentenced to be transported.

## FEBRUARY.

6. CHANGE OF WEATHER. — A rapid thaw commenced in the night which soon cleared the river of the blocks of ice, which had for some time impeded navigation.

8. FIRE IN GRAVEL-LANE. — Just before one o'clock in the morning, a fire broke out in the house of a marine store-dealer, a Mrs. Parke, situated in Gravel-lane, Southwark. The flames were first seen in the shop by the police, who raised an immediate alarm, but unfortunately not in time to allow all the inmates of the house (twenty-six in number) to escape, and a widow, named Margaret Sweeney, and two of her children perished in the flames, and another of her children soon afterwards died in Guy's Hospital from the injuries it received in being thrown from the window of an upper apartment by its unfortunate mother. Mrs. Parke and eleven children were dragged out into the street and saved. The fire communicated to the upper part of the dwelling with great rapidity, and the inmates endeavoured to retreat down stairs. Some effected their object, others were unable to do so, and threw themselves out of the windows, and Mrs. Sweeney and her chil-

dren, who occupied an apartment in the rear of the house on the second floor, were all destroyed. Engines were soon upon the spot, and by means of an extraordinary length of leather hose joined together, the firemen were enabled to check the spread of the flames, which were threatening the adjoining buildings; but the marine store-shop and dwelling-house were entirely consumed. The lodgers lost every thing they possessed.

Many of the sufferers met severe injuries in escaping from the burning-house. A female named Ryan, who jumped out of a window, was taken to Guy's Hospital with a broken leg and a fractured arm.

A glass-blower, named James Robinson, his wife, and two children occupied the front room on the first floor, and they had a very narrow escape.

Robinson stated, that he was awoke at one o'clock by a noise underneath him, apparently the cries and moans of Mrs. Parke's children. He immediately jumped out of bed and opened the window, and then saw flames issuing from the shop. He aroused his wife, and snatched up one of his children. His wife took up the other in her arms, and they both rushed down stairs, ran along the passage, and escaped into the street. As soon as he had deposited his wife and children in a place of safety, he returned through the smoke to his room, with the intention of getting some of his property and assisting the other inmates. On reaching his apartment he discovered that the floor was on fire, and was compelled to retreat. He was nearly suffocated by the smoke, and the fire had actually scorched

him. He rushed through the back room on the first floor and leaped through the window into the yard. The fall stunned him, and he was most severely bruised, but, recovering his senses, he saw Mrs. Sweeney, at the window of the second floor, overlooking the yard with a child in her arms. He managed with some difficulty to raise himself, and picked up a pillow, which he firmly believes Mrs. Sweeney had previously thrown out to throw the child upon. He raised the pillow in his arms, and called out "Throw your children out," and held his arms in a position to catch them. Mrs. Sweeney who appeared much terrified, replied, "I will, I will; I'll throw them all out—for God's sake save them." Just at that moment a female whom he afterwards ascertained to be Mary Ryan, threw herself out from the first floor window. She fell heavily upon him, and knocked him down. Mrs. Sweeney held her child in her arms until he rose, and then threw it from her into his arms, but he was so weak he could not hold it, and the child fell out of his arms on to the stones. He held out his arms to receive another, and saw Mrs. Sweeney leave the window, and heard her calling to her children. She appeared at the window again without the children, when the smoke overpowered her, and she fell over the window-ledge, with her arms stretched out in a supplicating attitude. There the poor creature remained until the flames reached her, and she was burnt alive. He heard the little children running about the house screaming dreadfully, and calling out "mother, mother;" their cries were soon stifled by the

ravages of the fire, and they shared the fate of their parent. He remained in the yard for the purpose of assisting Mrs. Sweeney and her children as long as he was able, but was at length forced by the intense heat to retreat. He climbed over a wall eight feet high with Mary Ryan and Mrs Sweeney's child in his arms, and succeeded in reaching the yard of the Hope public-house, where he was so exhausted that he could proceed no further. The sufferings of Robinson were extreme. He was in a most deplorable and starving condition, the spine of his back was injured by the fall, his whole frame was terribly shattered, and he was also burnt. Robinson believed the fire was caused by an ignition of gas in the shop, and he stated, that some months back, the house took fire from that cause, but it was extinguished without any material damage.

13. MEETING OF YORKSHIRE WOMEN TO PETITION HER MAJESTY TO CAUSE A REPEAL OF THE NEW POOR-LAW AMENDMENT ACT.—A meeting of females took place last week at Elland, in Yorkshire, at which the new law was denounced in the most forcible terms. The display of female eloquence was calculated to give high expectations of what will be achieved by the sex, when in a more enlightened age, they take a more stirring part in things political. One of the lady orators expressed her belief that the bill was "hatched in hell, and bred in the bottomless pit," a figure of speech greatly to be admired for its energy and grace. A Mrs. Hanson, and Mrs. Grasby (the chairwomen), were also much applauded for their eloquence, and

received a vote of thanks on the occasion. We need not say how forcibly the separation of husband and wife, and the child from its mother—things coming peculiarly home to the bosoms of the sex—were dilated upon.

— RAILWAY ACCIDENT. — A serious accident occurred during the night, on the Liverpool and Birmingham Railway. As the mixed train was proceeding down the inclined plain between Wolverhampton and Birmingham, it came in contact with a horse, which had strayed upon the railway from the adjoining fields.

The affrighted animal fell across the rails; and the engine, tender, and many of the carriages, passed over his body; and such was the violence of the shock occasioned by its resistance to the moving vehicles, that the engine shot off the lines with prodigious force, dragging with it, down the embankment of five or six feet high, the ponderous vehicle, the tender, and several of the carriages, smashing some into splinters, prostrating others, and displacing all more or less. The tender fell upon the body of one of the conductors of the engine, who was instantly crushed to death; the other (his brother) retained his hold upon the machine, and escaped without injury. The three first carriages contained horses; which, of course, were dreadfully mangled and bruised. The next and first carriage in the train containing passengers, was upset, and thrown upon its side upon the railway; but marvellous to relate, neither the passengers inside nor the guard upon the top, who was hurled headlong into the ditch below, sustained any injury. The numerous passengers in the other

vehicles retained their seats ; and, beyond the shock and alarm, and delay, sustained no inconvenience.

20. **OUTRAGE ON A YOUNG LADY.**—Frequent representations had of late been made to the Lord Mayor, of the alarm excited by a miscreant, who haunted the lanes and lonely places in the neighbourhood of the metropolis, for the purpose of terrifying women and children. For some time these statements were supposed to be greatly exaggerated. However, the matter was put beyond a doubt by the following circumstance.

A Mr. Alsop, who residing in Bearbind-lane, a lonely spot between the villages of Bow and Oldford, attended at Lambeth-street office, with his three daughters to state the particulars of an outrageous assault upon one of his daughters, by a fellow who goes by the name of the Suburban ghost, or "spring-heeled Jack." Miss Jane Alsop, one of the young ladies, gave the following evidence.

About a quarter to nine o'clock on the preceding night, she heard a violent ringing at the gate in front of the house ; and on going to the door to see what was the matter, she saw a man standing outside ; of whom she inquired what was the matter. The person instantly replied, that he was a policeman ; and said, "For God's sake bring me a light, for we have caught spring-heeled Jack here in the lane." She returned into the house, and brought a candle, and handed it to the person ; who appeared enveloped in a large cloak. The instant she had done so, however, he threw off his outer garment, and applying the lighted

candle to his breast, presented a most hideous and frightful appearance, and vomited forth a quantity of blue and white flame from his mouth, and his eyes resembled red balls of fire. From the hasty glance which her fright enabled her to get at his person, she observed that he wore a large helmet ; and his dress, which appeared to fit him very tight, seemed to her, to resemble white oil-skin. Without uttering a sentence he darted at her, and catching her partly by her dress and the back part of her neck, placed her head under one of his arms, and commenced tearing her gown with his claws, which she was certain were of some metallic substance. She screamed out as loud as she could for assistance ; and by considerable exertion got away from him, and ran towards the house to get in. Her assailant, however, followed her, and caught her on the steps leading to the hall-door ; when he again used considerable violence, tore her neck and arms with his claws, as well as a quantity of hair from her head : but she was at length rescued from his grasp by one of her sisters. Miss Alsop added, that she had suffered considerably all night from the shock she had sustained ; and was then in extreme pain, both from the injury done to her arm, and the wounds and scratches inflicted by the miscreant on her shoulders and neck, with his claws or hands.

This story was fully confirmed by Mr. Alsop and his other daughters. One of the daughters said, that the fellow kept knocking and ringing at the gate after she had dragged her sister away from him, but scampered off when she shouted from an upper window for a policeman. He left his

cloak behind him; which some one else picked up, and ran off with.

21. INTERNATIONAL LAW UPON THE SUBJECT OF MARRIAGE.—This was a suit for a divorce, instituted by the guardian of Mr. Fleetwood, a minor, to annul a marriage with a Miss Braddell, under an Irish act of parliament, the 9th of George II. cap. 11, which enacts that a marriage contracted by a minor entitled to personal property of the value of 500*l.* shall be null and void, unless with the consent of the guardian first had in writing. The act, however, limits the time of bringing the suit to annul the marriage, to a year after the celebration of the marriage. In the present instance, the parties, to evade the law, passed over to Scotland, and were there married, not by any clergyman, but according to the simple form of declaration before witnesses, which in that country constitutes a marriage.

The great question was supposed to be, whether a marriage between Irish subjects in Scotland, could be binding when the parties did not reside there, either before or after the marriage, and especially when they left their own country with the avowed object of evading the law? The marriage took place in Scotland upon the 7th Nov. 1833. The suit was commenced upon that day twelvemonth.

At the hearing of the cause it was stated for the first time, that the suit was not commenced in time, and the learned judge first applied himself to that preliminary question, and he ruled that the suit was not commenced in time, for that the year commencing upon the 7th Nov. 1833, ended upon the 6th Nov. 1834; and the citation not having issued, or been

served until the 7th Nov., 1834, that the party seeking to annul the marriage was too late. In pronouncing upon this preliminary question, the learned judge cited a great number of cases and decisions from Lord Holt to Chief Justice Mansfield, from which he deduced the rule, that where the statute was penal and was to affect a party, that the time should be computed from the act, or event; in other words, that the day upon which the act took place should be included. The learned judge said there could not be two 7ths of November in the same year, and decided that the suit, commenced upon the 7th November of the year after the marriage, was too late. He admitted that there were cases where the fraction of a day ought not to count, but that a penal statute must be construed strictly.

His Honour was not disposed to go into the merits of the question, thinking the first ground sufficient; but being called upon to do so, proceeded to give his opinion upon the international law of marriage. He said that upon the second ground, the marriage could not be annulled; for that parties were presumed to be married according to the laws of the country where they were married, and not according to those where they usually lived. And he proceeded to show the inconvenience which would arise from the adoption of an opposite principle; for parties married in England, according to the law of England, or in Scotland; according to the law there, or in Italy, or elsewhere, would be deemed to be legally married while living in any of those countries, or any where else, until they reached Ireland; and there the

marriage would be void, and the issue illegitimate; and in illustration of this position his honour put the following case: suppose a nobleman to be possessed, as many are, of estates in England and in Ireland, and to be an Irish as well as an English peer, and that his son, a minor, born in Ireland, married an Irish lady in England, without his consent, according to the law of the latter country an implied consent would be sufficient; but in Ireland he might annul the marriage, if the principle was allowed that natives of a country should be bound in that respect by the laws of their own, and not by that of the country where the marriage took place, and this consequence would follow: that the eldest son, the issue of that marriage so dissolved in Ireland, but good according to the law of England; would be disinherited of his title and estates, and be a bastard in the former country; while he would in the latter be entitled to sit in the House of Lords, possessing his father's English estates. It was argued that the parties went to Scotland fraudulently to evade the law. Upon this subject his honour made the observation, that marriage was a natural right, and that what was done in aid of that natural right was not a fraud. It was an evasion of the law, but no fraud. And he cited a case where a man, in *articulo mortis*, actually married, to prevent his property going to a particular person, and although it might be called a fraud as regarded the person thus deprived of the property, yet the marriage was held good, upon the ground that it was a natural right. This decision it was understood would be appealed from to the court of delegates.

A short time previously a mar-

riage was annulled under the statute of 9th George II., and it was the first case which occurred under the act now passed a century. There the gentleman married a minor, an English lady, and the suit having been commenced by her guardian within a year, it was annulled. The present case is the second under the same act.

24. DUEL IN AMERICA. — A Fatal duel took place at Washington between two members of the House of Representatives, Mr. Cilley, of Maine, and Mr. Graves, of Kentucky. Cilley had spoken disrespectfully of Colonel Webb, editor of the *New York Courier and Inquirer*; whereupon Webb sent him a challenge, by Mr. Graves. Cilley refused to fight such a "blackguard" as Webb; but accepted a challenge from Graves. The following is an account of the arrangements for the meeting, in a note of Mr. Cilley's second: "Mr. Cilley proposes to meet Mr. Graves at such place as may be agreed upon between us to-morrow at twelve a. m. The weapons to be used on the occasion shall be rifles, the parties placed side to side at eighty yards distance from each other, to hold the rifles at arm's length, downwards, the rifles to be cocked, and triggers set, the words to be, 'Gentlemen are you ready?'. After which, neither answering 'No,' the words shall be in regular succession, 'Fire—one, two, three, four.' Neither party shall fire before the word 'fire' nor after the word 'four.' The position of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have



on the ground, besides his second, a surgeon, and two other friends. The seconds, for the execution of their respective trusts, are allowed to have a pair of pistols each on the ground; but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure a rifle by the time prescribed, time shall be allowed for that purpose."

Three shots were exchanged without harm; at the fourth, Cilley was shot through the heart. Cilley's funeral was attended by 600 persons and 125 carriages. The seconds have published a statement, that the duel was "regulated by magnanimous principles and the laws of humanity."

25. GREAT WALKING MATCH.—This herculean undertaking to walk twenty miles backward and the same number forward, in eight hours, took place at Notting-hill. The pedestrian was a hawker of fish at Ealing, named Earl, and was backed on this occasion by Briton, a person known slightly in the sporting circles. The start took place at half-past nine in the morning. A vast number of persons assembled to witness the performance which eclipsed anything ever before attempted. The pedestrian accomplished the task at twenty-four minutes past five, one minute within the given time: he appeared much distressed. The following is a statement of his time:

1st	two miles	19½	minutes.
2nd	ditto	20½	..
3rd	ditto	22	..
4th	ditto	21½	..
5th	ditto	22½	..
6th	ditto	23½	..
7th	ditto	24	..
8th	ditto	26	..
9th	ditto	26½	..
10th	ditto	25	..

11th	two miles	29	minutes.
12th	ditto	20	..
13th	ditto	22½	..
14th	ditto	23	..
15th	ditto	24½	..
16th	ditto	24	..
17th	ditto	27½	..
18th	ditto	27	..
19th	ditto	24½	..
20th	ditto	25½	..

As he exhibited symptoms of distress at the conclusion of the 36th mile, a gentleman concluded a bet of 100% to 10% that he accomplished his undertaking within the given time. The pedestrian never halted to take refreshment during the match.

26. THE GHOST, ALIAS "SPRING-HEELED JACK," AGAIN.—At Lambeth-street office, Mr. Scales, a respectable butcher, residing in Narrow-street, Limehouse, accompanied by his sister, a young woman, eighteen years of age, made the following statement relative to the further gambols of "Spring-heeled Jack":—

Miss Scales stated that on the evening of Wednesday last, at about half-past eight o'clock, as she and her sister were returning from the house of their brother, and while passing along Green Dragon-alley, they observed some person standing in an angle in the passage. She was in advance of her sister at the time, and just as she came up to the person, who was enveloped in a large cloak, he spurted a quantity of blue flame right in her face, which deprived her of her sight, and so alarmed her, that she instantly dropped to the ground, and was seized with violent fits, which continued for several hours.

Mr. Scales said that on the evening in question, in a few minutes after his sisters had left the house, he heard the loud screams of one of them, and on running up

Green Dragon-alley he found his sister Lucy, who had just given her statement, on the ground in a fit, and his other sister endeavouring to hold and support her. She was removed home, and he then learned from his other sister what had happened. She described the person to be of tall, thin, and gentlemanly appearance, enveloped in a large cloak, and carried in front of his person a small lamp, or bull's eye, similar to those in the possession of the police. The individual did not utter a word, nor did he attempt to lay hands on them, but walked away in an instant.

Every effort was subsequently made by the police to discover the author of these and similar outrages, and several persons were taken up and underwent lengthened examinations, but were finally set at liberty, nothing being elicited to fix the offence upon them. After this time, however, the attacks appear to have been discontinued.

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### MARCH.

1. CONDEMNATION OF THE MURDERERS OF BENNET. — Fletcher, Roach, and Sams, were tried at the Hertford assizes, (the two former for the murder, and the latter as accessory before the fact,) of W. Bennet, the pensioner, on the 25th of October last. The circumstances connected with this case, have been detailed in our last volume, p. 120. The jury found a verdict of guilty against Roach and Fletcher, and acquitted Sams. Mr. Justice Vaughan pronounced, in a most solemn manner, judgment of death upon Roach and Fletcher.

### 6. FIRE IN THE INNER TEM-

PLE.—Shortly after five o'clock, in the morning, the occupiers of the numerous and extensive chambers situated in the Inner Temple, were thrown into a state of indescribable alarm, by flames suddenly bursting forth from the chambers of Mr. Maule, M. P., No. 14, Paper Buildings, opposite the Temple Hall. The alarm is said to have been made by Mr. Maule, himself, who slept in an apartment. The fire burst forth with astounding rapidity, and long before six o'clock the spacious premises were completely enveloped in one mass of lurid fire. The confusion that ensued on the discovery of the fire, is impossible even to describe. The flames at half-past five o'clock had a most terrific appearance, and illuminated all London. On the intimation of the fire being given, the watchmen on duty made the most strenuous exertions to preserve some portion of the property in the chambers of the Attorney General and numerous others, but their endeavours were unsuccessful, each of the chambers being strongly secured by iron doors and bars. Four engines belonging to the Temple were brought to the spot immediately the fire was discovered, but a considerable time elapsed before they could be brought into operation, from a scarce supply of water. Nearly all the engines of the brigade, including the large floating engine which was moored off the Temple-gardens, were brought into requisition, and those of the West of England and County Fire Offices also. By six o'clock the fire extended to the adjoining premises, No. 13, let out as chambers, and they soon fell a prey to the ravages of the flames. The amazing rapidity with which

they issued is attributed to the construction of the buildings, and the materials that composed them being of a light and dry nature. On the premises, No. 12, taking fire, it was fully expected by all persons present that the whole range of buildings would be consumed, and the stopping of the progress of the fire was considered an impossibility; the quantity of water that was thrown into the flames was immense, and yet for some time its effect seemed very little. At seven o'clock the conflagration continued to burn with all its fury, to the terror of the whole Temple, but afterwards it was prevented from extending further than No. 12. Nos. 13 and 14 were totally consumed, and No. 12 partially. During the morning the lofty walls of the gutted premises fell into the square and gardens with tremendous violence, but no person was hurt nor were any lives lost. Mr. Hildyard, a barrister, who occupied chambers in No. 14, had a very narrow escape. He had no time to dress himself. He had two pairs of trowsers by his bedside; in the pocket of one was contained 100*l.* in bank notes, and 30*l.* in the other, but in his hurry and confusion he grasped the pair which contained the lesser sum, and escaped with it, leaving the more valuable garment a prey to the flames. Mr. Follett, brother of Sir William Follett, who occupied chambers in No. 13, and who had been some time confined to bed with rheumatism, would have perished in the flames but for the assistance of some friends, who, remembering his helpless condition, broke into his apartments, and succeeded in conveying him in safety to his brother's chambers. Mr. Maule, in whose chambers the

fire broke out, returned from the Athenæum club about two o'clock in the morning, and went to bed leaving a candle burning. It is supposed that the light came in contact with some of his papers, which caused the sad destruction of property above described. The day following the ruins having become sufficiently cool, a number of labourers were employed to turn them over. In the course of the afternoon, a large iron-safe, termed "patent fire-proof," was dug out and opened in the presence of the Attorney General, and several gentlemen, when it was discovered that the whole of the contents were reduced to ashes. The safe was the property of Mr. Hildyard, who stated that the contents were of great value. Her majesty's Attorney General was a great sufferer, not being insured. The whole of the contents of his chambers were consumed, including his library, valued at 3000 guineas. The loss of property, including valuable deeds and documents, was immense and comparatively few of the parties were insured. The buildings Nos. 13 and 14 were formed into four houses, and comprised eighty chambers, which, together with the greater part of their contents, were totally destroyed.

6. MURDER—A shocking murder was perpetrated in the village of Easton, near Stamford, (Northampton) on the body of a female, named Elizabeth Longfoot, aged about fifty-four, who was possessed of a little freehold property, on which she lived. The deceased was of very eccentric habits, and had on many occasions alarmed the neighbourhood by cries of "murder," &c., appearing, by writings found in her stage, to have en a

(probably owing to her deranged intellect) that certain parties had evil designs towards her. Cries of murder were heard about four o'clock in the morning, but were disregarded, the persons imagining that it was the deceased in one of her customary fits of mental aberration.

About seven o'clock in the morning, however, as a woman in the village was proceeding out to wash, in passing deceased's house, she saw her pattens and one shoe lying in the little yard, which excited her suspicion. She gave the alarm, and on entering the house the body of the unfortunate deceased was discovered in the passage leading from the street door to the staircase. Life was quite extinct: and, upon an examination of the body, it was found, that her death had been effected by strangulation, which was obviously the case, both from the appearance of the countenance and certain marks of violence on the neck and throat. It was then discovered that the house had been plundered of money to the amount of about 100*l.*, together with a few silver spoons, and other articles. Great exertions were used by the magistrates to discover the murderers, and suspicion fell, at last, on a man named John Stanson, who lived at Easton, and was a loose character and who had absented himself from the village on the morning of the murder. Being taken into custody, and questioned upon the subject of the murder, he at first denied all knowledge of it, but after a week's imprisonment, during which time he had been re-examined several times, he at length made a voluntary confession implicating himself and two other men, named John Archer and

Richard Woodward, both of Easton, in the robbery and murder of the deceased. He stated, that the two men just named and himself having formed the design to rob the deceased, they proceeded to her house at three o'clock one morning, about a fortnight before the murder took place. They were in the act of removing a pane of glass from the window of the wash-house, when the noise they made awoke the deceased, who threw open the bed-room window and exclaimed, as if she knew who they were, "You villains! I'll swear my life against you in the morning." They then retreated behind a hay-stack, when a man came past, and spoke to deceased, who was standing at the window. Deeming it prudent to abandon their attempt at that time, they went away. At a subsequent meeting they determined upon murdering the deceased, to prevent the possibility of her appearing against them in a court of justice. The hour of four o'clock on the morning of the 6th of March having been fixed upon, they went to the house, and were proceeding to remove some boards which the deceased had placed for security against the wash-house window, when she was again alarmed by the noise, and they then heard her shuffle about her bed-room and come down stairs, when she suddenly opened the door of the house and ran into the street, crying "murder," "thieves." She returned, however, almost immediately towards the house, and just as she was going to the window of the wash-house the prisoner Archer rushed from a dark nook close by, where they had concealed themselves; and, having knocked down the old woman,

he pressed his knuckles against her throat, and after a short struggle she was dead. Woodward then took a "plough line" from his pocket, and, having fastened it round the neck of the deceased, they hauled the body into the house and shut and locked the door. They then secured the money, silver spoons, and other things, left the house by the back way, and divided the plunder at a pond in an adjoining field. Stanson, being afraid of detection, left Easton at day-light that morning, and did not return until he was brought back by the officers. The prisoner Woodward admitted, that the statement made by Stanson, which was repeated in his presence, was correct. Archer strongly denied his guilt. The three prisoners were fully committed to Northampton gaol, to take their trial for the murder.

8. BURGLARY. — CHELMSFORD. — William Chignall and Reuben Cousins were capitally indicted for breaking into the dwelling-house of Catherine Townshend, at Messing, and stealing therein a shift, a shawl, and another article, her property, and they were further charged with beating and striking the prosecutrix.

The prosecutrix, an aged, but, as it will appear, a very valiant lady, stated, that on the 9th of January she went to bed at nine o'clock, and was awoke just after midnight by her door being broken open. She ran to the back window, when she saw a man, and she said to him, "Who's there?" One of the prisoners then thrust a piece of iron at her (a piece of wheel-tire beaten straight) several times. It was Chignall who did this, and he afterwards thrust in a long pole

at her. Witness laid hold of it, and deprived him of this weapon. They then went to the front window, which they broke to pieces. They then commenced throwing great clefts of wood at her. She had nothing to defend herself with but her poker, and with this she kept them both at bay. The attack and defence lasted nearly an hour, and she cried, "Thieves—murder!" as loud as she could. She was wounded in the affray on the head, legs, and body. When they found that she would not let them enter on account of the poker, Chigwell (a tall, athletic fellow) thrust in his hand and stole the articles named, which, however, he left near the premises.

The jury returned a verdict of guilty of the whole charge.

The Lord Chief Justice recorded sentence of death against both of them, and would recommend no further mitigation than that they be transported for the rest of their lives.

— BURGLARY.—Dales William Thompson surrendered to answer an indictment, charging him with burglariously breaking and entering the house of James Young, at Mountnessing, and stealing a watch, three spoons, and other articles.

Mary Young, the wife of the prosecutor, stated, that her family consisted of her husband and one daughter, and they three were in the house on the 1st of April. Her husband went to bed about twelve, and she continued up. About one o'clock she heard footsteps approaching. A voice said, "Mrs. Young, there are some horses loose in your garden, and I've stopped my chaise on purpose to tell you." He made an offer to turn them out, which she declined.

He said, will you let me light a cigar, and witness requested him to give his name before she unfastened her door. He said, "Mr. Robinson, the farmer." As soon as she opened the door the prisoner met her view with a plough coulter in his hand, and he said, "Now, your money." Other men rushed in, four, if not more. When the money was demanded, she went up to her husband, and the prisoner followed her. He stood over her husband with the coulter while she awoke him. When her husband awoke, the prisoner said, "Now, old fellow, your money or your blood." Her husband said, "We are poor persons, and have no money." The prisoner said, "Money we want, and money we'll have;" and he then took the breeches from behind the pillow. Her husband then got out of bed, and gave them three half-crowns; and then the prisoner demanded her money, and she gave him two shillings. He then went into the next room where her daughter was in bed, and he applied the coulter to break it open. Witness unlocked it, and gave him half a sovereign out of it. He then turned all the things upon the floor. All the prisoners held a candle alight. Having removed handkerchiefs from their faces, to drink some wine, she saw them so as to know them again. They were more than two hours in the house. Had not the slightest doubt as to the identity of the prisoner. The prisoner went again to her husband, and used blasphemous and menacing language, and threatened to take his life unless he gave him more money. Her husband said, "If you kill me I have no more money." The prisoner and Sey-

mour then tied her hands and her husband's behind them, and then bound them both down to the bedstead. They tied her daughter. The prisoners stopped below, and regaled themselves with bread, pork, cheese, honey, ale, and wine. There was no further violence used except tying them down. Before they left the room, they wanted to shake hands with them.

Susan Young, the daughter of the prosecutor, and James Young, a little farmer, confirmed the previous testimony.

Evidence was called in order to prove an *alibi*.

The Lord Chief Justice summed up, and the jury having returned a verdict of guilty, sentence of death was pronounced.

9. SALISBURY.—HUNT v. BIERDERMANN.—This was an action brought by William Henry Hunt, a respectable yeoman, residing at Brinkworth, in Wiltshire, against the Rev. George Augustus Biedermann, a clergyman and magistrate, residing in the parish adjoining, to recover compensation in damages for an imputation cast upon him, imputing to him the double offence of perjury and bribery.

It appeared, that in July last an election took place at Cricklade, in Wiltshire, and upon that occasion the plaintiff, who it was proved had before promised to give one vote for Captain Howard, the liberal candidate, came up to the polling-booth to tender his vote. At the time he came up, it was said to him by some person, that he had promised to vote for Captain Howard. The plaintiff said he had done so, but as that party had taken from him his kinsman, and induced him not to give a vote for the conservative candi-



dates, he should now vote only for them, considering his promise to be entirely put an end to by that proceeding. The defendant then insisted that the bribery oath should be put to him, and the plaintiff having said he could do it with great safety, took the oath. The plaintiff then alleged, that having taken the oath, the defendant said, "He has perjured himself, he has swallowed a false oath;" and that he then went into another part of the polling-booth, and said, "I as much believe that man has taken a false oath, as I believe any man in the world ever did."

The plaintiff called three gentlemen of the highest respectability, who stated, that they were in the booth at the time, within a very short distance of the defendant, and most distinctly heard him utter the words which were imputed to him. It was further proved, that the plaintiff was a most respectable yeoman in the parish, and that he was one of the guardians of the poor. The defendant called witnesses, among whom was the Hon. James Howard, who stated, that they were in the booth, and that they did not hear the words which have been mentioned, and they thought, if the defendant had uttered such language, they must have heard it; but none of these witnesses could state whereabouts Mr. Paul or Mr. Coles, two of the gentlemen who deposed to the libellous words, were sitting. Two witnesses were called, who stated, that on different occasions they had heard the plaintiff say, that a person had offered to advance him 500*l.* to pay the expenses, if he would prosecute Mr. Biedermann; but those two witnesses did not

speak to the same conversation; they also stated, that other persons were present, but none of those persons were called. It was also shewn that a Mr. Thomas was the returning officer, and was in the booth at the time the words were alleged to have been spoken by the defendant, and that he administered the bribery oath to the plaintiff, but he was not called.

The learned counsel on each side made very strong observations in their addresses to the jury, the defendant's contending that the witnesses for the plaintiff must have been mistaken, and the plaintiff's counsel urging, that the plaintiff's case was not one in which there could be a mistake, but that, if the statement of his witnesses were untrue, those witnesses must be perjured.

The learned judge, in summing up to the jury, said, they had to consider whether the words in question were uttered by the defendant; if they were uttered, there could be no doubt that they were libellous; their next consideration would be, the amount of compensation the plaintiff was entitled to recover for such an imputation on his character.

Verdict for the plaintiff—Damages, 40*s.*

9. CASE OF PARRICIDE.—AYLESBURY ASSIZES.—William Francis Adams was indicted for the wilful murder of Thomas Adams, his father, at the hamlet of Wing, in the county of Bucks, on the 28th December, 1837.

William Collier stated, that he was working for the deceased on the moor about two o'clock in the afternoon of the 28th of December, when the p me upon it, and after fi two shots he

left, and went in the direction of a field of turnips 300 yards off. In a few minutes the witness heard another report from a gun in the direction of that field, and in half an hour afterwards a fourth. Almost as soon as the prisoner had left the moor, the witness saw the deceased cross it on horseback in the same direction his son had taken; and twenty minutes after the last shot was heard, he saw the prisoner coming up the hill from the turnip-field, riding on the same horse which his father had recently ridden.

John Hope, who was at work with the last witness on the moor, corroborated this evidence.

John Sharpe, a house-servant of the deceased, stated, that his master and the prisoner left home on the 28th of December together, about half-past one o'clock, the former on horseback, the latter with his gun on foot. At about four o'clock the prisoner returned on the horse, which the witness put into the stable, the prisoner going into the house.

On cross-examination, the witness admitted, that the prisoner had before ridden his father's horse home, when he had been shooting. The horse would not "stand fire." He had never seen for eight years, but that the prisoner and his father lived on the most amicable terms.

George Bone.—Was horsekeeper to the deceased, and was on the day of the murder, carting dung in a field very near to the turnip-field. Saw the prisoner shoot off once in the latter field, and afterwards re-load his gun. In the evening asked the prisoner's leave to go to Leighton, which the latter refused, giving, as a reason, that "he was himself going to a

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psalm-singing feast there, and his father would be angry if they both went out." The prisoner went to the psalm-singing, and afterwards, with his brother, the witness, and others, went to search for the missing man. When they came to a gate near the new barn, the prisoner pointed to it, and said, "There's the place we parted at. He suspected you (the witness) of stealing his corn for the horses, and said, he should go and watch at the barn." The witness had frequently before, seen poaching people with guns about the neighbourhood of the cow-house.

William Judge swore, that he assisted the prisoner in the search on the night of the murder. Whilst they were going along, the prisoner told him where he had parted from his father, and added they had had no falling out to signify since the 1st of September. The witness remarked that the deceased had said his son had once loaded his (deceased's) gun with clay for the purpose of killing him; but the prisoner strenuously denied it. When they got to the cow-house, the witness's father said, they would search that, to which the prisoner replied, "It was of no use, but he'd go wherever he wished." On going through the doorway of the cowhouse, the prisoner remarked, "why the hay has been removed since I was here before." The father of the witness went in and removed three trusses of hay, and underneath lay the cold and stiff body of the murdered object of their search. The witness exclaimed, "Oh God, here he is, poor soul!" The prisoner turned exceedingly pale, and holding on a rail for support from fainting, replied "Oh, my poor father! what shall I do?" A

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cart was procured, and the corpse put in and carried home. On the following day the prisoner told the witness that his father had, on the previous day, taken two 5*l.* notes and several sovereigns. He was frequently in the habit of carrying large sums of money about him. The prisoner showed no reluctance to go into the cowhouse, and the witness added, that he had borne an excellent character for humanity.

Richard Judge, father of the last witness, corroborated his son's evidence, and further stated, that on the day after the finding of the body, he again searched the cowhouse, and about a foot and a-half outside the door he saw a considerable quantity of blood, which was covered over with loose hay. There was a hook by the side of the cowhouse door, and just under that were the "tramlings" of a horse's feet, which had been recently made. In the course of the morning the witness put his ramrod down the prisoner's gun, and found that it was not loaded.

Thomas Worcester, farming servant to the deceased, proved that on the day before the murder he by his direction put three sheep into the cowhouse in question, for the purpose of being dressed on the following day. On the afternoon of the 28th, the day of the murder, the witness saw the prisoner and his father on foot within forty yards of the cowhouse. In half or three quarters of an hour afterwards the prisoner went alone to him, as he was at work by the fish-pond in the turnip field, and said they had dressed and fed the sheep, and he need not go to them." Nearly at midnight the prisoner went to his house, and asked if he had seen his father, to

which the witness replied, "No, he had not seen him since they were all in the turnips together." On the following day the prisoner went to him, and, after saying it was a bad accident, added, "If I can't get some one to say he saw me and my father part at the top of Fox-hill, I'm done." The witness exclaimed, "The Lord have mercy on me!—you don't say so." The prisoner replied, "I must go, the police are after me." On cross-examination the witness said he saw the prisoner fire off in the turnip field, and heard no other gun afterwards. He was quite sure of that.

Robert Perkins sergeant of police at Aylesbury. After the surgeon had examined the dead body, the witness saw the prisoner and asked him if he knew anything of this sad occurrence? The prisoner answered "No; he had parted with his father at the cowhouse, and the latter desired him to ride his horse home." An hour or two afterwards the prisoner was standing at his own door, and, upon the witness going up to him he observed, of his own accord, "I have a witness, Mr. Perkins." Witness replied, "A witness! to what?" The prisoner answered "to prove I never fired the gun." "Do you mean the gun that shot your father?" The prisoner said "Yes." Witness then asked if he was accused, and prisoner said "No, but I thought you suspected me." The same evening the witness searched the prisoner, and found on him, a handkerchief which had been very recently washed in a rough manner and not ironed. It appeared to have still some stains of blood on it. There was also a wadding-punch and a pellet, and some percussion

caps in his pocket. On the Sunday following witness saw the head of the deceased opened and a gun-wadding taken out of the brain; upon comparison this was found exactly to correspond in size with the wadding-punch found on the prisoner.

Walter Rawleigh, surgeon at Leighton, examined the body of the deceased. The bones of the head were blown to pieces. There was a dreadful wound at the back of the neck, and the contents of the gun had passed through the head, and out at the face, with the exception of a few shot which had lodged in the nostrils. Some portions of the hat and coat-collar of the deceased were driven into the brain. From the nature of the injury, the witness conceived it to be impossible that a gun had been fired at the face of the deceased, and he thought there was but one discharge of a gun.

Mary Jordan,—Lives at Wing. Last spring she was in the streets of that town, and the prisoner was standing by, when they saw his father at some distance. The prisoner said to her, "Yonder he comes, d——n him! I wish somebody would blow his old brains out."

James Fuell, a prisoner in Aylesbury Gaol for felony, deposed that the prisoner had frequently spoken to him of the murder, and had confessed to having perpetrated it. On cross-examination it appeared that this witness who had been repeatedly in prison, expected to derive benefit in his own case from making this statement. "He observed that, "a good many people cleared themselves by telling against others."

This was the case for the prosecution.

The following evidence was then given, in behalf of the prisoner.

John Cooke, a farmer, deposed to his having heard a gun fired in the direction of the cowhouse, between five and six on the evening of the murder, at a time when it was too dark for poachers to be exercising their calling.

Two labourers on the Birmingham railroad, who were returning from their work, corroborated this evidence. It was quite dark.

Mr. Mortimer, the landlord of a public-house at Wing, proved that the prisoner was at his house between four and five on the afternoon of the murder, and they had some psalm music. It was light enough for the musicians to play from the notes without candles.

William Cieley proved, that he stood a few days ago by the fish pond, in the turnip-field so often mentioned, whilst another man fired off a gun in the cowhouse, and that he heard it distinctly. He could have heard it at a far greater distance. [This evidence was given in order to show that, as the witness Worster did not hear any gun in that direction when he was working by the fish-pond, as he stated, the prisoner could not have fired off his gun after he had left the turnips.]

John Wyatt saw a pool of blood three feet outside the cowhouse door, and none on the threshold.

James Ashpole proved that two years ago he was standing with the witness Mary Jordan, in Wing-town, when the prisoner came in sight, and that he said, "There comes Mr. Adams;" to which she replied, "He did my husband a kindness once, and I'll do him one if it's in my power."

The Jury, after remaining in

deliberation, returned a verdict of Not Guilty.

10. MAIDSTONE. — MURDER. — Samuel Kennard, aged sixty-five, was indicted for the wilful murder of William Knight, by discharging at him a loaded gun at Cranbrook, on the 25th February.

It appeared that Kennard, who was stated to be possessed of some property, resided at Cranbrook, and that he was given to drink, and was frequently intoxicated. While in that state frequent jokes had been passed upon him; and, after he had gone home to his house, he had been annoyed by persons knocking and ringing at his door. This incensed him to such a degree that he frequently declared, with an oath, that he would one day or other shoot some of the persons who annoyed him in the manner described. Although it was known that Kennard had a gun in the house, yet it was not believed that he would carry his threat into execution, and it did not have the effect of preventing a repetition of the annoyance of which he complained. The deceased man, Knight, had been intimate with Kennard, and the latter had lent him a sum of money. Between nine and ten o'clock at night, Knight went to Kennard's house for the purpose of repaying the money he had borrowed, and also to make Kennard a present of some game. The latter, it appeared, had gone home some time before, and had retired to rest when Knight knocked at the front door. Not being able to obtain any answer at the front, he went round to the garden gate, where he also knocked, but was still unable to obtain any answer. Kennard, hearing the noise, and imagining it was some

mischievous person who was disturbing him, immediately, without making any inquiry proceeded to load his gun, and stationed himself at his front window. Knight being tired of knocking at the back of the house, returned to the front door, and again knocked at it. The knocker was scarcely out of his hand when Kennard lifted up the sash, presented the gun at him, and shot him through the head; he then shut the window and returned to his bed, leaving the unfortunate deceased where he fell. He was soon discovered by the passers by, but quite dead. Application was then made to the prisoner to allow the deceased to be laid in one of his out-houses, when he replied, "that he'd be d——d if he should be put there."

John Knight son of the deceased, and the high constable, and a variety of witnesses proved the case. A report of a gun was heard, and deceased exclaimed, "Oh, Kennard, what are you about, you've shot me." Prisoner afterwards said to the high constable, "I have done what I meant to do, and you may hang me if you like."

"The jury, returned a verdict "Guilty of Manslaughter."

The learned judge addressed the prisoner, and laid great stress upon the fact of his having refused the key for the purpose of placing the body of the deceased in a place of security. That he intended to slay his friend when coming with a present in his hand, he could not infer; but, yet, the language he had used after the deed was done, showed a want of contrition for which the court could not account. His Lordship said he fully concurred in the verdict of the jury, and the judgment of the

court was, that he be transported beyond the seas for the term of his natural life.

The prisoner wept bitterly, and the son of the deceased interposed for a milder punishment, believing that he did not mean to kill his father.

The judge intimated an intention of recommending some mitigation of the punishment.

13. SHEEP STEALING. — Bedford Assizes, Thomas Barker was indicted for stealing a sheep so long ago as the night of the 20th of January, five years, when, Mr. Langston, a farmer at Marston, lost a sheep out of his fold. The skin and fore-quarters of the stolen animal were left in the field. The prosecutor at an early hour procured a search-warrant, and he and the constable proceeded to the house of the prisoner. They demanded admittance, but were coolly told by the prisoner that "they should not enter unless they gave him a shilling," which they accordingly did, whereupon he unbarred his door and admitted them. On entering, they found the whole family "breakfasting on mutton-chops," which were smoking on the table and frying on the fire; and a leg of mutton was boiling with some turnips taken from the field of the prosecutor. They searched various parts of the house, and found several other portions of a recently-killed sheep. The prisoner accompanied them in the search, but watched his opportunity and made his escape through a back-door, and, although hotly pursued by the constable, succeeded in effecting his object. He did not return to his village for five years, when he would not have been molested for the offence for which he had undergone so

long a banishment, but that he very soon renewed his plundering habits, and then the parish took up his former transgression. When the constable returned to the house of the prisoner after his ineffectual pursuit, he suffered the family to go on eating their savoury breakfast, taking only such portions of the stolen property as he considered necessary, for the purpose of enabling him to identify it as forming a portion of the sheep of Mr. Langston. These were fitted to the skin, and other parts of the animal which were left in the prosecutor's field, and were found to correspond in every particular. Mr. Baron Bolland summed up the evidence, and the jury found the prisoner guilty. He was sentenced to be transported for fifteen years.

16. MURDER OF A CHILD BY ITS MOTHER. — STAFFORD. — Ann Wycherley, aged 28, was charged with the wilful murder of her daughter, a child aged about three years, by drowning her.

Mr. William Crutchley, governor of the work-house at Drayton: "In December last the prisoner was in the work-house with her two children, Anne, three years old, and Jane, a year old, she left the work-house with both her children on the 14th of December."

This witness also swore to the body of the deceased, and to the prisoner's having acknowledged that she threw the child into the pit, and that another person threw stones on it.

James Freeman deposed, that on the 14th December, at about half-past three o'clock, he saw the prisoner and two children going in a direction towards the pit in Mr. Butler's field, in which the child's body was found.



**Sarah Newbrook:** I live at Fair Oak, two miles from the pit. At six o'clock in the evening of the 14th of December, the prisoner came to my house with her youngest child. She asked if she might rest, as she was tired to death. She sat down, and I gave her some meat. I asked her if she had any more children. She said she had had one, but she had buried it before she had left Drayton work-house. I agreed to take her youngest child to nurse at two shillings a week. She left two bundles, one of which contained the clogs and stockings of a child of three years old.

**William Poole:** I was a servant of Mr. Butler. There is a pit in one of his fields, with water a yard deep in it. I saw something in the water, and thinking it was a child I called my master and we took it out. It was a girl about three years old.

**John Sinitier,** a constable of Drayton, said, that on Sunday, the 24th of December, the prisoner said the man by whom she had the youngest child persuaded her, and said that his uncle was well off, and at his death they might live together.

**Catherine Biffin:** I knew the prisoner in Drayton work-house. The prisoner, when leaving the house, said no person knew what was in her head, but before three weeks every person might know it. She said she would kill the child, and not fall into any sin any more for the child.

The prisoner, in her defence, said that Catherine Biffin's evidence was false.

**Mr. Baron Gurney** summed up. — Verdict, Guilty.

**Mr. Baron Gurney** proceeded to pass sentence of death upon the

prisoner, without leaving her the slightest hope of mercy being extended to her.

The prisoner having pleaded that she was enceinte, Mr. Baron Gurney directed that a jury of matrons should be sworn, and they after being absent a quarter of an hour, returned into the court, and after hearing the evidence of Mr. Greateorex, the surgeon, who gave it as his opinion that the prisoner was not enceinte, they returned a verdict accordingly.

**16. STEAM BOAT ACCIDENT —** A magnificent new steam vessel, the *Victoria*, of Hull, built expressly to run between London and Hull, and one of the largest ever launched in this country, had arrived in the river Thames for the first time on Sunday the 11th. It was resolved to have an experimental voyage to the Nore and back on the following Friday, and accordingly a select party of ladies and gentlemen were invited by the managing agents of the company. The *Victoria* left Blackwall soon after nine o'clock, and her progress as far as Erith afforded much satisfaction to the company, owners, and crew, but there her further progress was stopped by a deplorable accident. She was going at the rate of about ten knots an hour, when in an instant the vessel was filled with steam, which issued from the engine-room, and was so thick on deck that the people were completely enveloped in it. An alarm was instantly given that one of the boilers had burst, and as soon as the confusion had in some degree subsided, it was discovered that one unfortunate man, a stoker, had been killed by the explosion. He was standing close to the furnace, opposite the starboard boiler, when

a sudden escape of steam took place, blowing out the scalding water, burning coals, and hot ashes, directly upon him, mutilating his body in a dreadful manner. He was thrown down by the force of the steam, and never moved or spoke afterwards. Mr. William Allen, the chief engineer, Thomas Walker, second engineer, George Brock, stoker, and Joseph Robinson, stoker, were also severely scalded by the boiling water and steam. Poor Allen fell a sacrifice to his own intrepidity. He was standing at the top of the stairs, or companion-ladders to the engine-room, when he heard the bursting of the boiler, and at the same moment a cry of "stop the engines." Regardless of the danger, he rushed into the engine-room, and although most frightfully scalded, he succeeded in stopping the engines, and prevented further damage, as the steam was blown off through the regular channels. A few minutes afterwards the *Vesper*, Gravesend-steamer, came alongside, and the wounded engineers and stokers were removed into her with all possible care. They were nearly naked, their clothes having been blown off by the steam, and were all scalded in a frightful manner. Every attention was here shown them, and as many of the crew of the *Vesper* as could be spared, were engaged in sprinkling flour over the bodies of the four men, and allaying their sufferings until they arrived alongside the Dreadnought hospital ship. The medical officers of that noble institution immediately attended to the sufferers, and applied the proper remedies, but so severely were they injured, that one died about an hour and a half after being taken

on board, and the other three in the course of the week following, having suffered the most excruciating agonies. The jury summoned to inquire into the circumstances attending the accident, after a lengthened investigation found a verdict equivalent to accidental death, and freeing the captain of the vessel from all blame.

17. EARTHQUAKE AT SHREWSBURY.—A slight earthquake was felt in this town and vicinity at one o'clock after mid-day. In the town the workmen employed in several slightly-constructed workshops felt the tremulous motion in the walls, and an undulation of the floors; at the same time a rumbling noise was heard, similar to that of a train of waggon's passing rapidly along a paved street. This noise was heard by many individuals and families in the town; but the shocks were more strongly felt in the neighbourhood of Shrewsbury, extending about nine miles from the town, chiefly in a south or south-east direction. At Welbatch coal-works, three miles from Shrewsbury, the phenomena were most apparent; the walls of Mr. Hughes's house shook and wavered, a ruler rolled from the desk in the office; the men in the coal-pits were alarmed, and ascended as quickly as possible, believing that an explosion of "fire-damp" had occurred in some of the shafts. At Cruckton-hall several of the bells tingled; at the village of Hanwood, bricks fell from a chimney. At Pontesbury the men ascended from the coal-pits in terror. At Porthill, near this town, the glasses shook in the chamber of an invalid, and the chair tottered underneath him. At Pontesford, Thomas Evans, a blind man, was almost shaken from his chair. This

tremor of the earth does not appear to have been felt in the coal-pits at Willington, Wolverhampton, &c.

18. RAIL-ROAD ACCIDENT.—The train from Liverpool to Birmingham, which should have arrived at the latter place at half-past eight o'clock in the evening, being detained on the road, a pilot-steamer was sent out, conducted by Thomas Horton, to ascertain the cause of the delay. On arriving at Wolverhampton, Horton met with the train, and found that some temporary derangement of the machinery, which had detained the engine, had been repaired, and the train started and arrived at the station in Birmingham soon afterwards in safety. About half an hour afterwards Horton started for Birmingham, and had proceeded without impediment until he reached Perry Bar, when his engine came into collision with another pilot engine, which had been sent out from the station for some other purpose, and was running on the same line. At this time it is stated the engine from Wolverhampton was going at the rate of nearly fifty miles an hour, and the shock therefore must have been tremendous. The engine which Horton conducted was thrown upon the embankment, and the poor man under the wheels. On being taken from the ground he was much mutilated. He was conveyed to the hospital and every assistance was rendered him, but he expired on the fourth day following. Another engineer had his shoulder dislocated, and five persons sustained serious injuries by the collision.

19. DECISION IN THE COUR ROYALE, PARIS.—A case of some interest was decided by the Cour

Royale, Paris. It arose out of the alleged deposit of papers of value in the hands of Prince Talleyrand by a M. Possoz, Mayor of Passey. Those papers were the engagements of the Duke de Dino to pay M. Possoz a sum of 12,000 francs; and were placed in the hands of the prince, (through the medium of M. Gabriel Delessert, Prefect of Police,) for the purpose, it was supposed, of inducing the prince to pay the debt of his nephew. Prince Talleyrand pleaded before the Cour de Première Instance, that he had not opened the parcel in which the papers were stated to be enclosed, but had forwarded them to the Duke de Dino. The Cour de Première Instance, giving credit to the statement, nonsuited the plaintiff; but M. Possoz appealed to the Cour Royale against that decision; which court, through its president, Baron Seguier, on Monday ordered that Prince Talleyrand should, within six months, return the documents in question, or pay to M. Possoz the sum of 12,000 francs.

— FATAL PRIZE FIGHT.—A coroner's inquest was held at Barkway, in Hertfordshire, on the body of William Phelps, alias Brighton Bill, killed in a prize-fight with Owen Swift on the previous Tuesday. The battle took place at Melbourne Heath; a place where the counties of Essex, Cambridge, and Hertford nearly join, and so near the road-side, that the stage coaches drew up in order that the passengers might witness the brutal exhibition. It had been publicly known for several days that the fight was to take place; but none of the magistracy or their myrmidons interfered to prevent it. A crowd of three thousand persons was collected.

The deceased pugilist killed a man in a prize-fight some time ago, and he was himself the third whom Swift had killed. Bets were offered on the ground, that neither of the combatants would survive many days; and Swift was so dreadfully beaten that his recovery was thought doubtful. Altogether this was one of the most savage "pieces of sport" that had disgraced the country for several years. The jury found a verdict of manslaughter against Owen Swift, principal in the first degree; and against Samuel Evans, Francis Redmond, Richard Curtis, — Brown, as principals in the second degree. And they added—their deep regret and concern, that the magistrates of the adjoining counties did not interpose to prevent a breach of the peace so notoriously expected to take place for some days previously; and also for the fact of a prize-fight having taken place at the same spot about twelve months before, without their interference.

20. HIGHWAY ROBBERY.—At Wandsworth petty sessions, John Wood, who described himself as a plumber, and who appeared in a very wretched state, was charged with a highway robbery upon the person of Mrs. Chevalier, the wife of a respectable tradesman living in Yardley-street, Clerkenwell. It appeared from the evidence of the prosecutrix, that on the Monday previous she left home by a stage-coach, on a visit to a friend in the neighbourhood of Wimbledon. On her return, being too late for the coach, she was compelled to proceed on foot to Fulham, across the common; it was then about six o'clock. After she had proceeded a short distance the prisoner sprang upon her and de-

manded her money; at the same moment he presented a pistol to her head, and threatened that he would at once blow her brains out if she did not deliver up to him what money she had about her; adding that he was reduced to the last extremity, that he had a wife and family at home in a starving state, and he did not care what became of him. She, under the fear of his threat, gave him what money she had which amounted to about 3*l.*, which consisted of nine half-crowns, a half-sovereign, and the remainder in silver and copper. After the prisoner had robbed her he put the pistol in his pocket. She then remarked to him that she had to go to London, and as he had taken from her all the money she had, perhaps he would let her have two shillings, to pay for the omnibus to London, and a halfpenny to go over the bridge. He gave her what she required. She then remarked to him that she would be obliged to him if he would accompany her within a short distance of Fulham, to protect her, as, being alone, she might be again stopped, and if she were stopped, the person would not believe but that she had money about her. The prisoner agreed, and they walked together some distance. They passed two or three men, who were walking singly. The prosecutrix, however, did not think it prudent to alarm them; but, on coming up to a policeman, she instantly acquainted him, and at the same time seized the prisoner, who, having used great exertions, extricated himself from her grasp and ran away. He was pursued by the police-officer, who speedily apprehended him. The prisoner did not deny the charge, but stated that he

had a wife and five children at home, who were in a state of the most deplorable destitution. He was committed for trial. The bench highly praised the conduct of the prosecutrix, who had displayed such coolness and intrepidity upon the trying occasion in which she was placed.

Whatever may have been her merits in this point of view, we confess we can hardly consider her deserving of eulogium. It may be doubted whether there was not in fact more moral turpitude in *her* conduct than in that of the prisoner, who appears to have been driven to the commission of the crime by motives which, though they cannot justify, may at least be thought to excuse it, and who displayed a generosity and confidence in his after treatment of the prosecutrix, which, we think, might well have disarmed a *woman's* resentment.

20. ACCIDENT FROM A GALE OF WIND. — LIMERICK. — About twelve o'clock at night the wind commenced to blow very sharply from the south-east, and continued to increase until six in the morning, when it swept along the streets and outlets of the city in a most terrific manner. It caused a tremendous swell in the harbour, and drove the spray over Barrington's and several of the other quays, to the height of fifty or sixty feet. In Mary-street, the chimney of an old house, five stories in height was blown down and in the force of its fall pulled away the roof and all the rooms, burying the inmates beneath the ruins in a cellar underneath the ground floor.

The alarm being instantly given a watchman and four other men ran to the spot, and commenced

clearing away the ruins. Hearing a female voice immediately after, moaning and apparently almost suffocated, they removed about two ton weight of bricks, and found underneath that tremendous load, an unfortunate woman named Cosgreave, bruised and otherwise much hurt. After taking her up, she informed them as well as she was able, and partly by signs, that farther in lay her child. To work they again went, and had not proceeded far when they heard another female moaning, and apparently in the last agonies of expiring nature. Her they shortly after drew forth, but at the time they did, she had breathed her last. She was a woman named Margaret Morrison, and aged about twenty-one. Proceeding a little farther they found Cosgreave's child quite dead; it was about eighteen months old. They next found a man, named Egan, and another named Morrison (the brother of the deceased Margaret Morrison), and another woman, all very severely wounded.

Whatever property the house contained in the way of beds and furniture, was all ground to pieces, and the only part of the house now standing is the front wall.

Amongst the persons assisting on the occasion was a fellow of the name of Francis Penn, and while the rest were busily engaged, he contrived to make off with a new coat belonging to one of the sufferers, but, on being shortly after apprehended, was fully committed to gaol.

20. THE THAMES TUNNEL. — Another irruption of the river took place at half-past six in the morning, into the Thames Tunnel, which completely filled it with water. One gang of labourers had



just been relieved by another, when the water began rushing in with a loud noise. Those at the end of the tunnel next the shaft, suspected something wrong, and made their escape up the staircase without much difficulty. The men who were about to enter the shield and commence work, hastened along the platforms raised above the floor of the archway to facilitate the egress of the workmen in the event of an irruption, and all escaped without any injury. In a few minutes the tunnel was filled. The water burst through in a horizontal direction, in No. 12 box of the shield in the western arch. It appears that since the last irruption, in Oct. 1837, the excavations had proceeded with more than usual rapidity, owing in a great measure to the enormous quantity of clay thrown down over the tunnel, which formed an artificial bed of great consistency, past which the works were advanced three feet, making in all twenty feet added to the tunnel since the break-in six months before. At the beginning of the week the soil became loose, a vein of sand was encountered, and it was found necessary to proceed with more than ordinary caution. On the night before the irruption the ground presented some indications of giving way, and much difficulty was experienced in going on with the excavation, the entrance of the sand and water being only prevented by the intrepidity of some of the old miners. Every precaution was consequently taken to prevent the loss of life which has sometimes attended the breaking-in of the river, and the previous indication of danger, and the formation of the double gangways, enabled the workmen to get away without

losing one of their number. Immediate measures were taken to stop up the aperture, which was soon ascertained to be of no very great dimensions. Several barge loads of clay were thrown down immediately above the spot, and the shore engine employed to pump the water from the tunnel, which, by the end of the month was completely cleared so as to allow of the works being resumed.

20. EXTRAORDINARY CHARGE OF MURDER.—CAMBRIDGE ASSIZES. —George Parr was indicted for the wilful murder of a man named Walls, at Barnewell, near Cambridge, and Willam Howard was indicted as an aider and abettor of the said murder.

The circumstances of this case were very remarkable. The death of Walls happened in August 1833, and the coroner's jury that sat upon the body returned a verdict of "found drowned," no evidence having been laid before it to show that the death of the man had been occasioned in any other way than by accident. It appeared that Walls and the prisoner at the bar were in the habit of going out on poaching excursions together, and were in company about eight or nine o'clock on the night of the death, at a public-house called the "Three Horse Shoes," which Walls left a little after nine o'clock to return home, but never was seen again by his family until his body was taken out of a pond in a gravel-pit, or quarry, a week afterwards. This pond he would have had to pass in his way home if he took the shortest route to his dwelling, which was by a public footpath leading across a field, and then upon a bank beside the pond, which at one part, close to the end of a high wall that he would have



to go round, was only from twelve to eighteen inches wide ; consequently it was not difficult to account in an accidental way for the fall of a man into the gravel-pit, and his being drowned at that spot if he happened to be intoxicated. At the time when the body was found, the death was generally accounted for in that way, and at length the circumstance was forgotten, when an event happened which revived its recollection, connected with the charge of murder against the prisoner at the bar. A young man, of the town of Cambridge, while drinking with a party of companions at the "Bleeding Hart," the conversation turning upon murder, suddenly observed that he had seen a murder committed four or five years ago of which he had never said a word to any body. He then told what he afterwards stated before the mayor and magistrates, and repeated at the trial—viz., that on the night of the 28th August 1833, he being then in a house in Gaslane, Barnewell, with a female, heard a noise and scuffle between two and three o'clock in the morning, upon which he went out, and it being a clear moonlight, the moon then near the full, he saw the prisoner, George Parr, who is a remarkably large and powerful man with very marked features, engaged in a scuffle with the deceased. There was another much smaller man than the prisoner present, whose face he did not see. While looking at the man he saw the prisoner strike the deceased, as it appeared to him, on the mouth, by which blow he was knocked down. The deceased had a gun in his hand, which flew from him as he fell, and was caught up by the prisoner, who instantly struck

him a blow with the butt-end of it on the head, and then threw the body into the pond. When the witness, whose name is Frederic Smith, first made this statement before the mayor, he refused to sign his deposition. He made a subsequent deposition, which he also refused to sign, and it was not until he was examined a third time that he could be induced to affix his signature to the deposition. The witness, when questioned as to his reason for concealing this extraordinary piece of information so long, gave a very lame and unsatisfactory account of the matter. He is a printer, and was then one of the compositors on the Cambridge newspaper, called the *Independent Press*, yet he never gave either his employers or any of his fellow-workmen the slightest ground to suspect that his mind was the depositary of so dreadful a secret. He endeavoured to account for this by saying that he was afraid to disclose it, lest the prisoner or his family should take revenge upon him. Again, he said that it was out of compassion to the prisoner, whose life he did not like to take, because he had a large family. Then again he said that he at length disclosed the secret, because he obtained a confidence which he had not before, but how that confidence came to him, he could not explain. His general character for veracity may be judged of from the circumstance that his own father, on hearing the statement, declared that he would not believe a word of it, as he knew him to be the greatest liar in Cambridge. This the witness admitted on the trial, and, with surprising *nonchalance*, added, "My father had very good reasons for saying so." He was

asked whether he had not said, while some persons were conversing about a fire which took place some time ago upon the Market-hill in Cambridge, that he knew who it was had made the fire—that such a one (naming a respectable shop-keeper of the town) had set his own house on fire—he admitted that he had gone so far as to say that he knew who set the house on fire, but it was only by way of a joke. A witness was subsequently called, who keeps a public-house where the witness, Smith, was at the time, and he deposed that Smith positively stated, that Mr. —, set his own house on fire, that he could swear it, and was ready to swear it. Smith was also asked on his cross-examination, whether he had not spread a report in Cambridge during the late frost, that he had seen the ice break on the river Cam, and twenty - five persons drowned, whose bodies remained under the ice. He admitted that he had spread such a report, and that he had seen nothing of the sort, and by his manner in the witness-box, he considered the “art of lying” anything but a discreditable accomplishment. He said, indeed, that he was more apt to tell lies when drunk than at other times; but as to the story of the murder, though he first told that, when he was “fresh” with liquor, he knew it to be the truth when he was sober. He was a boy of little more than fourteen when, according to his own statement, he was on the night in question with an improper female at Barnewell; but who that female was he could not tell, and had never seen her since, so that no such person could be called either to confirm or contradict his story; but the woman of the house

in which he said he was, positively swore that he was not in her house that night, or at any other time, and there being but two rooms in the house, he could not have been there without her knowledge. In his deposition before the mayor, he swore he “had got up” when he heard the noise, to see what occasioned it; on the trial he said he had never lain down, and therefore could not have got up. In his deposition he had stated thatt he deceased had on a whitish shooting jacket, but other persons who had seen the deceased that night as well as the prisoner, described the jacket as a dark velveteen, such as is generally worn both by game-keepers and poachers. On the trial he endeavoured to mend his evidence by stating that it was what appeared to have been originally a dark velveteen, which had become of a lightish colour by being very much worn; but how he could have ascertained that, or how he could know that it was velveteen at all, at the distance of seventy-one yards from the place where the prisoner and deceased were, by moonlight, nobody but himself could tell, and this was one of the palpable absurdities of the evidence which the learned judge strongly commented upon, in summing-up the case to the jury. As to the gun which he said the deceased had with him, and which the prisoner, according to his statement, gave him the mortal blow with, it was proved that the deceased had given his gun that night at the public house to Howard the other prisoner, who was a white-smith, and who had lately repaired it, to keep for him; and Howard when he heard of his death, concealed it, intending, if it should not be enquired after, to keep it

for himself; but when it was demanded by a police officer, he took it out of the place where he had concealed it and delivered it up. There was no other evidence against Howard, than the possession of the gun, and the learned judge directed him to be acquitted without being called on for any answer to the charge. He was afterwards called as a witness for Parr, and proved that he had the gun of the deceased in his possession, at the time when he came by his death, and until delivered up as before described. But whether the deceased was murdered by anybody, or fell into the water on his way home from the public-house, was left in doubt upon all the evidence—if that of Smith was thrown out of the question; for although two or three persons of the Barnewell population swore to marks of violence about the head and one of the cheeks, when the body was taken out of the water; a respectable surgeon, who examined the body, as positively swore that he observed no marks of violence upon it, and that the body was in that state of decomposition which made it impossible to say whether there were or not. A worthy magistrate corroborated this evidence. It was also remarkable that those persons who now, nearly five years after the event, swore to marks of violence on the body, did not go before the coroner at the time and state anything of the sort. There were various other contradictions and discrepancies in this case, and the learned judge strongly remarked upon the want of confirmation which attended the extraordinary statement of the witness Smith in most particulars, and the contradictions which it had

received in some. The jury returned an immediate verdict of Not Guilty.

21. EAST INDIA HOUSE.—DONATION TO LORD WELLESLEY.—At a meeting of proprietors of East India Stock, a letter was read from the Marquis Wellesley, thanking the Directors and the Company for their donation of 20,000/. The Marquis alluded to the refusal of the Court to pass a vote of approval of his conduct in India, at the termination of his viceroyalty in 1805, and expressed great satisfaction at the handsome, though long-deferred, acknowledgment of his services, which accompanied the communication of the recent grant of money.

22. HOUSE OF LORDS.—SMALL v. ATTWOOD. This great cause came on for final adjudication. The peers present were, Lord Chancellor Cottenham, the Earl of Devon, Lords Brougham, Lyndhurst, Wynford, and Kenyon. The Earl of Devon spoke first, and delivered his opinion that the judgment of the Court below (that of Lord Lyndhurst in favour of the plaintiff) should be reversed. The Lord Chancellor followed; and, concurring with Lord Devon, moved, that “the original bill should be dismissed, with costs.” Lord Lyndhurst went over the evidence, and gave his reasons for adhering to his original opinion in favour of the plaintiff. Without reference to any memorandum, Lord Lyndhurst delivered a remarkably full and perspicuous analysis of the evidence, and a statement of the complicated transactions between the parties. His speech on this occasion is said to have equalled, if not surpassed, the judgment in the Court of Exchequer, which has been so much

admired as an effort of the intellect. Lord Brougham declared, that his opinion had been so unsettled, and his judgment so materially shaken, by Lord Lyndhurst's luminous and masterly statement, that he must have time for further consideration; and, on his motion, the final decision was put off till the Monday following.

The following are the leading particulars upon which the case turned.

Mr. Small, for the British Iron Company, purchased from Mr. John Attwood, during the mania for joint-stock speculations about twelve years ago, the extensive iron-works at Corngreaves, in Staffordshire. Certain statements of the "yield" of the mines and the expenses of manufacture, were delivered by Attwood to Small. The Company had not long been in possession of the works, before they became desirous of getting rid of their bargain—the price of iron having fallen considerably. It was alleged that Mr. Attwood had made false statements in order to effect a sale. Attwood denied this charge. The parties went to law; and, after a great deal of delay and litigation, Lord Lyndhurst, then Chief Baron, decided in favour of the Iron Company, in his celebrated judgment in the Court of Exchequer. Attwood appealed to the House of Lords; the main question remaining the same—namely, whether Mr. Attwood had fraudulently exaggerated the value of the property.

23. SUICIDE AND ATTEMPT TO MURDER.—The perpetrator of this double crime was a gentleman of considerable property, of the name of Weatherhead, who occupied a house in Coldstream, where he

had lived for a number of years. A writ of caption having been issued against him by the sheriff, in consequence of his failing to perform an engagement which he had entered into for rebuilding some property in the town, Mr. M'Watt, sheriff's officer, and others, accompanied by Mr. Philip Spence, officer in Coldstream, proceeded to Dr. Weatherhead's house for the purpose of securing the person of the debtor. The wretched man, had, however, desperately resolved to oppose this seizure by force, and with this view had locked and barricaded the doors of his house, in consequence of which the officers had to procure a blacksmith to effect their entrance by force. On the door being burst open, Dr. Weatherhead appeared behind it with a pistol in each hand, with which he declared his determination to shoot any one who should enter. In defiance of the threat, however, Spence entered the house, leaving Mr. M'Watt and several others at the outside; but the unfortunate man had scarcely crossed the threshold, when he was fired at by Dr. Weatherhead, with one of the pistols, the contents of which (a leaden bullet) entered his right side. The infatuated man then rushed to an upper apartment in the house, where he applied the other pistol to his own head, and blew his brains out. Medical assistance was instantly procured for the unfortunate officer, when it was found that the ball, after entering his body, had passed round the side, and lodged under the shoulder-blade. Though so severely wounded, he, however, recovered.

26. SMALL v. ATTWOOD.—FINAL DECISION. On the day appointed, this cause was finally brought

before the House. There were five lords, on whose decision the case hung — Lords Cottenham, Devon, Lyndhurst, Wynford, and Brougham. The Chancellor and Lord Devon were in favour of Attwood, and Lords Lyndhurst and Wynford on the other side; the decision, therefore, finally rested with Lord Brougham; who, in a most elaborate judgment, which occupied four hours in the delivery, replied to Lord Lyndhurst's statement of the previous Friday, and decided the case in favour of Attwood, the appellant. Lord Wynford moved, that judgment should be adjourned till an issue had been tried, as he was of opinion, that there was no sufficient evidence as to the main fact, whether Attwood had given in false or true accounts and estimates. This motion was rejected, as opening up the entire case again, both as to law and facts. It was then agreed that the bill should be dismissed, with costs.

One part of Lord Brougham's judgment should be especially mentioned, as it contains the first complete justification of an honourable man, whose character the plaintiffs in this case had aspersed. Mr. Philip Taylor, the engineer, acted as agent for the Company; and, in order to prevent his being summoned as a witness, the plaintiffs alleged a fraudulent collusion between him and Mr. Attwood, and made him a defendant. This proceeding seems to have had considerable weight in determining the case against the plaintiffs. Lord Cottenham declared that he never would sanction the practice of making a man a defendant, to get rid of his evidence as a witness. Lord Brougham entered into a full explanation of the money transac-

tions between Taylor and Attwood; and showed that they were not such as either party could wish to conceal; and that the conduct of Taylor, subsequent to those transactions, had been strictly in accordance with his duty to the Company, and in conformity with his own expression — "I must do my duty, although I should make Mr. Attwood my enemy."

26. IMPRISONMENT FOR DEBT. — FRANCE. The following circumstance is deserving of notice as an illustration of the state of the law on imprisonment for debt in France. Count Leon (an illegitimate son of the Emperor Napoleon, and who it will be recollected in a duel arising out of a gambling transaction, killed an Englishman, Captain Hesse, about the year 1834), was arrested on an unpaid bill of exchange, and thrown into prison, where he remained for some months. His creditor at length formally acknowledged that he had no legal title to the bill upon which he had arrested the count; notwithstanding which declaration, the court refused an application of the prisoner's counsel to discharge him, "nothing appearing in the laws to justify it."

SUICIDES IN PARIS. — In the course of the year 1837, according to an official return, no fewer than "325 dead bodies were received into the Morgue, of which 279 were of drowned persons, showing a lamentable increase on the numbers of average years." Of these scarcely a dozen cases were "accidental;" the rest were the results of suicide or murder. If, however, it shall be recollected that no dead bodies are brought to the Morgue but such as are

found in the streets, on the roads, or in the river, (*“sur la voie publique,”*) the number of suicides and assassinations will appear to be in all likelihood, much greater.

30. RIOT AND AFFRAY.—WARWICK ASSIZES. — Messrs. Muntz, Pare, Trow, and Pierce, were indicted for a riot and affray in St. Martin's Church, Birmingham, on the 28th of March, 1837.

The chief witness against the defendants was Mr. Mosely, the rector; who presided on the day of the riot in St. Martin's church. This gentleman gave his evidence in a straightforward and fair manner. He admitted, that there were two keen parties in the church on the matter to be decided,—namely, the election of a church warden; and that, acting under advice, he had refused to put the question by a show of hands. He also refused to allow an inspection of the parish books; whereupon the Radical party endeavoured to seize the books.

Mr. Mosely, however, placed his arm on the books, and Mr. Pare rushed from his place and made for the rector's pew; whereupon a scene of the utmost disorder and violence took place. There was a rush towards the rector's pew, amidst loud cries of “throw him over.” Such was the crush, that the partitions of the pews gave way and burst in. Two youths from the adjoining gallery made a snatch at the books, and Mr. Trow also attempted to seize them. Mr. Muntz was seen mounted on the top of the partition of the pews leading towards that in which the rector was, and flourishing his stick in a manner calculated to strike terror into the breasts of his adversaries, and to encourage his own party.

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Mr. Trow attempted to enter the rector's pew; but he was repelled by Mr. Guttridge, a friend of his; and the other defendants also took an active part in the tumult. Such was the violence of the rush towards the rector, that he was for some time in the greatest danger of being forced over the front of the gallery into the body of the church, or of the front of the gallery itself giving way, when there must necessarily have ensued considerable loss of life. Fortunately, however, before any of the apprehended consequences took place, the police were called in; and they succeeded in quelling the riot, and restoring peace.

On the other side witnesses swore, that the riot was occasioned by the Tory party; who, especially Guttridge, did all they could to provoke the Radicals, who for some time were comparatively temperate. Even Mr. Mosely admitted, that the speech of Mr. Douglas, editor of the *Birmingham Journal*, was free from all exasperation, and calculated to preserve order. Muntz, too, it was stated, was active in suppressing rather than creating disorder.

Judge Parke in summing up observed, that he was clearly of opinion, that in point of law, the rector had a right to preside at all vestry meetings; but that he was wrong in refusing to allow any parishioner to inspect the parish-books, particularly as he had them present in court. Where parties to the number of three or four assembled together with a predetermination to effect either a lawful or unlawful purpose by violence and tumult, if they acted upon that determination and caused such a tumult as was calculated

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to excite fear and alarm in the minds of her Majesty's subjects, all who were present on the occasion in pursuance of such premeditation were equally guilty. But where there was tumult and violence which sprung up from unpremeditated causes, that only amounted to an affray, and none but those who took an actual part in it were guilty. He intimated no opinion of his own on the guilt or innocence of the defendants, but left the whole case in the hands of the jury.

The jury found Muntz and Pare "guilty of an affray only;" Trow and Pierce "not guilty."

#### APRIL.

**3. THE ROYAL EXCHANGE.**—The first day's sale of the materials of the Royal Exchange took place. It produced nearly 2,000*l*. The porter's large hand-bell (rung every day at half-past four p. m. to warn the merchants and others that 'Change ought to be closed, with the handle consumed, valued at 10*s*.), was sold for 3*l*. 3*s*.; the two carved griffins, holding shields of the city arms, next Cornhill, fetched 30*l*.; the two carved griffins, holding shields of the city arms, facing the quadrangle, 35*l*.; the two busts of Queen Elizabeth on the north and south sides, 18*l*.; the two busts of Queen Elizabeth on the east and west sides, 10*l*. 15*s*.; the copper grass-hopper vane, with the iron upright was reserved by the committee; the alto-relievo, in artificial stone, representing Queen Elizabeth proclaiming the Royal Exchange, 21*l*.; the corresponding alto-

relievo, representing Britannia, seated amidst the emblems of Commerce, accompanied by science, agriculture, manufactures, &c. 36*l*.; the carved emblematical figures of Europe, Asia, Africa, and America, 110*l*.

— **IMPRISONMENT OF A MEMBER OF PARLIAMENT FOR RIOT.**—Mr. Thomas Martin, M.P. for Galway, was tried at the Galway Assizes, for a riot at Oughterard, committed on the 8th of December last. There appeared to have been a faction fight between Martin and his followers on one side, and a Mr. O'Flaherty and his men on the other, respecting the ownership of some land. Mr. Martin being found guilty, was sentenced to two months' imprisonment, and a fine of 50*l*.; O'Flaherty to one month's imprisonment, and a 5*l*. fine.

— **CONSPIRACY, IRELAND.**—A good deal of attention was excited by the conviction, at the Cork Assizes, of James Burke, a Catholic priest, in the county of Cork, and three men named Crean, for a conspiracy to prove the murder of the father of the Creans in 1834, against Wright, a tithe-proctor, who was tried and acquitted on the charge, under very peculiar circumstances. The following are the principal facts of this case.

Wright was employed to serve a certain process against the goods of one Crean, in the parish of Kilmichael, in the county of Cork; of which parish the Rev. James Burke, the hero of this tale, was Roman Catholic curate. In the execution of his duty, on the 4th of January, 1834, Wright was driving away two of Crean's cows, when Crean, who wore that day a gray frieze coat, came up to

him, saying, that the business was settled, and that he wished to speak with him. As Crean approached Wright's horse, two of Crean's sons came out of the house and began to supply themselves with stones, upon which Wright thought it prudent to let them see he was armed, and took one of his pistols from his pocket. Crean, the father, who is described by his landlord to have been a man of a very violent character, grasped the pistol by the muzzle with one hand, and with the other dragged Wright from his horse. One of the sons at that moment struck Wright on the side of the head with a bludgeon, and the pistol, going off accidentally in his hand as he fell to the ground, mortally wounded the father, who, however, wrenched away the pistol and waved it round his head. The three sons beat Wright on the ground, one with a bludgeon, one with a pitchfork, and one with stones, till Wright took out his other pistol, and threatened to shoot them if they did not keep off. Upon this they desisted, and went with their wounded father to the house of Father Burke; while Wright, getting on horseback again, rode off to the Kilmichael police barrack, which was distant about a mile, and there related what had passed. While he remained there, disordered and spitting blood from the violence he had suffered, Father Burke arrived, with a crowd of people, to have him apprehended. A constable was at the barrack, whom Priest Burke requested to bring out Wright; and on the constable's declining to do so, the priest offered to protect the constable, though he said he would give no protection to Wright, who was a

murdering ruffian, and would now be hanged, as he had long ago deserved to be. At length a party of military and police arrived, under the direction of Mr. Ashe, Crean's landlord; they handcuffed Wright and carried him to the police barrack at Macroom. "*Wright* will soon be *wrong*, boys," said the priest to the crowd, as the soldiers were leading away the prisoner; and when they reached the yard of the police barrack at Macroom, the priest took off his hat and waved it to the mob, who gave him three cheers.

The wounded Crean, meanwhile, had been taken to his own dwelling; and thither Mr. Ashe and the priest proceeded from the police barrack. The priest went first into Crean's room: he was there about three minutes before Mr. Ashe. What passed between the priest and the dying man was not known; but Mr. Ashe, when he came into Crean's room, was requested to take his dying declaration, which charged William Wright with having committed an unprovoked murder, by a shot deliberately fired from a distance.

The day following the homicide, Capt. Vignolles, stipendiary magistrate of the district, while riding in the lonely mountains between Dunmanway and Kilmichael, met a stranger, who, mistaking him for the coroner, stopped him, and gave some important information.

He told him, that if the body were taken up, there would be found on the wrist of the deceased, or on his shirt-sleeve, a mark from the powder of the pistols demonstrating that the pistol, instead of having been discharged from a distance, must have been fired while Wright and Crean

were near enough to each other for Crean's hand to have been burnt by the flash; and that there would also be found on the gray friese coat worn by Crean on the day of his death, another mark, where the powder had singed the nap, establishing the same conclusion. A still more important piece of intelligence imparted by the stranger had reference to a communication which had taken place between the priest and Cornelius Crean, one of the sons.

The trial came on, Burke being in the gallery of the court. Crean's sons and other witnesses swore positively that the shot which killed old Crean was fired deliberately from a distance by Wright. Burke was put into the witness-box to state old Crean's dying declaration to the same effect. He was stopped on a technical objection; but being in the box, was liable to cross-examination. Vignolles, in the meanwhile, had instructed the prisoner's counsel, Sergeant Jackson, how to cross-examine Burke; and the following scene occurred.

After obliging him to admit that one of the counsel for the prosecution against Wright had been retained by him, (Burke) out of his own pocket, and another out of a subscription raised by him (Burke) among his friends, Mr. Sergeant Jackson proceeded with him thus: "Did Cornelius Crean tell you that he had hold of the prisoner when his father was shot?" Priest—"I don't think I can answer that question." Sergeant—"Come, sir, you must answer me." Priest—"Then I claim the protection of his lordship." Sergeant—"Why, was it under the seal of confession?" Priest—"It was not." Sergeant

—"Then, sir, I insist that you answer me." Priest—"If I must, he did tell me so." "Did Cornelius Crean tell you that his father also had hold of the prisoner, and that both were dragging him off his horse when the pistol was fired?" Priest (after some hesitation)—"He did." (A low murmur through the court.) Sergeant Jackson—"I'll not ask you another question: you may leave the table."

Wright was acquitted. Proceedings were commenced against Burke, who left the country. He returned in 1837, demanded a trial, and was found guilty, the majority of the jury being Catholics.

Burke was sentenced to two years' imprisonment, and a fine of two hundred pounds; the three Creans, to six months' imprisonment with hard labour. Burke's demeanour after sentence was pronounced, is thus described:—"Priest Burke who was fashionably dressed, a large cloak thrown loosely on his shoulders with a deep fur collar, when he and his confederates in crime were ordered to be removed, bowed to the court, placed his hat on his head, and walked across the dock with a firm step; and on getting to the trap-door, he turned and looked round with more indifference than any of the auditors, and then descended into the cell."

CENTRAL CRIMINAL COURT.  
—4. A shocking instance of juvenile depravity was exhibited in the case of a youth of sixteen, named Thomas Bristoll, the elder son of an engraver, carrying on a respectable business in King William-street, who was charged by his own father, with robbing him of thirteen sovereigns and a quantity of valuable jewellery. It ap-

peared that the prisoner was a hardened offender, and in consequence of his bad conduct was frequently confined in a room at the top of the house adjoining that in which the prosecutor and his wife slept. Having contrived to break a hole through the wall directly under his father's bed, the prisoner on the night of the 7th of March, entered his parents apartment, while he was asleep, and broke open a strong box under the bed, containing various valuable articles, which he carried off together with the money before mentioned, which was in the pocket of his father's trowsers. He immediately absconded, but was traced to Liverpool where he was arrested. On searching his room a pistol loaded with ball was found.

The unfortunate father said, he was forced into prosecuting his own son as the sole means left of securing his other children from contamination. The prisoner was sentenced to be transported for life.

6. ARSON. — CENTRAL CRIMINAL COURT.— Robert Miers draper, was charged with setting fire to his house, situate in High-street, Marylebone, on the night of the 20th of January, 1838, with intent to defraud the Union Insurance company.

It appeared from the evidence that the prisoner formerly carried on an extensive business as a linen draper in Oxford-street, where he remained until the month of March, 1837, at which time he was in good credit. He then went to live in High-street, Marylebone, where he opened his house in the same trade, but with a decreased business as well as credit. While in Oxford-street he employed five or six shopmen, but

in High-street he only kept one lad, who, with himself and wife, were found sufficient to carry on the business. When the prisoner was in more prosperous circumstances, carrying on an extensive business, and consequently when his stock was larger, he had insured for 1,500*l.* on his stock and trade in the British fire-office. He also effected another insurance for the same amount in the Protector fire-office; in addition to this there was a small sum for furniture. These insurances were subsequently removed to the Union, and increased. It was shown that in the month of July, after he went into High-street, he was instrumental in furnishing the shop of Mrs. York, his mother-in-law, at Isleworth, to whom he gave a great quantity of goods out of his shop. He also sent 400*l.* or 500*l.* worth of goods to the shop of Mr. Midgley, who formerly lived with him, but afterwards married one of Mrs. Miers's sisters. At this shop a quantity of goods were found. About eight days before the fire occurred, the prisoner went and reduced his insurance from 3,000*l.* to 2,500*l.*, and for this sum a policy was effected on his stock and trade, and about 250*l.* was effected on his furniture and glass. On the Monday following, after the fire had taken place, notice was given of the fire to the fire-office, and they, according to custom, proceeded to make inquiries as to the cause of it, and desired the prisoner to send in a specification as to the nature and extent of his loss. A statement was in consequence sent in, which presented a very curious appearance, for seven or eight sheets of this document were devoted to the furniture and other articles insured for about 400*l.*, while the whole

of the stock was comprised in one gross item. The prisoner made his loss on his stock 3,272*l.* 9*s.* 8*d.* ; 147*l.* 5*s.* 6*d.* on his fixtures ; household furniture, 380*l.* 5*s.* ; watches and trinkets, 45*l.* 7*s.* 6*d.* ; plate and glass 24*l.* 5*s.* ; thus making his whole loss 3,814*l.* 19*s.* 8*d.* The insurance office not being satisfied with this statement, sent to Miers to make out a further specification relative to his stock ; in the mean time circumstances of a suspicious nature, came to the knowledge of the board ; and the fresh specifications proving still less satisfactory than the former, the prisoner was taken into custody. The lad who served in the shop had left on the 23rd of December, and on the day before the fire took place, the prisoner engaged another young man, but he was sent out on the Saturday to his friends ; so there was only the prisoner, his wife, and maid servant at home. On the night in question the prisoner returned home about half past eleven o'clock, when Ann Wright the maid servant went up stairs and assisted Mrs. Miers to undress ; the prisoner remained below and alone. After the prisoner had been about half-an-hour by himself, he came up stairs. The servant girl remained in the bedroom for a few minutes before she went down. As soon as she had reached the bottom she saw a bright light coming from the shop, and she found the premises were on fire. She instantly gave the alarm, and a pail or two of water was procured and thrown on the flames. The prisoner and his wife then left the house, and shortly afterwards it was reduced to ashes. On the prisoner being informed that his place was on fire, he appeared to be very unconcerned.

How or by what means the house and entire property was destroyed, there was no evidence to shew.

On the very day on which the fire occurred the prisoner removed a portion of his property. About five o'clock in the afternoon he went to a coffee-shop kept by a Mr. Woods, in Tichbourne-street, where there were some lodgings to let, and inquired about them. Mrs. Woods replied that she could give no answer respecting them until her husband came home. The prisoner pressed for an answer, saying he wanted to come in on the Sunday or Monday. He then asked Mrs. Woods to take care of two parcels which he had with him, and which she did. Between ten and eleven o'clock at night, and within an hour previous to the fire occurring, he called a second time with two more parcels. He then talked again about the lodgings and left the parcels. On the Monday he again called with two more parcels. He then said nothing about the lodgings, but asked Mrs. Woods to take care of the parcels. In none of those interviews did he give his name, or where he came from, and he did not call again until fourteen days after the fire. It would appear that he never had any intention of occupying these lodgings, for directly he left his house he went with his wife to Ingram-court, Fenchurch-street, where he had procured some very cheap lodgings. To this place he had sent parcels of goods, and he there remained while making his claim. On the 3rd of February the prisoner went to the coffee-shop, which was fourteen days after the fire, and demanded the parcels which he had left. He said something about not taking the lodgings,

and then asked for his goods. It happened during the interval that Mr. Woods had heard of the fire, and of the suspicions which existed. Finding no claim was made about the parcels, he suspected that they contained some of the secreted property, and gave information of what had happened. Mrs. Woods informed the prisoner that she could not deliver them up, and at length told him that the police had been there.

Finding he could not obtain the property, he went away, saying he would return the next day, but he never did. On his speaking to Mr. Toplis, agent for the insurance company, he admitted having left some parcels at a coffee shop, but he could not say where it was, as he had been taken there by his brother-in-law, Mr. Midgley. The prisoner, finding that suspicions were excited against him, left town on the following day; and about four o'clock in the morning, when at Hammersmith, he inquired his way to the bridge, as he wanted to go to Wandsworth. His manner excited the attention of the police, and he was conveyed to the station house and searched, when between thirty and forty sovereigns were found in his possession. Upon being questioned, he said his name was Martin, and he carried on the business of a linen draper in Tottenham-court-road. If they wanted to make inquiries he would refer them to Mr. Thomas Miers, ironmonger, Whitechapel-road. He was detained until inquiries were made, when Mr. Miers, who was the prisoner's brother, came, and he was liberated. After the fire a minute search was made in the ruins, and it appeared in evidence that, however valuable and expensive might be the property de-

stroyed, it was impossible for 3,000*l.* worth of linen-drapery goods to be so destroyed as to leave no vestige behind; even 500*l.* worth of goods could not be so entirely consumed. It was proved, that many of the articles which the prisoner had made a claim for, were not on the premises at the time of the fire. He had made a claim for a gold watch. Such an article was not to be found in the ruins, but the silver one was. He had in his specification stated a coral necklace,—this he had left with Mr. Woods; he had taken, likewise, two other parcels, and left them at the house of a Mr. Emerson the day before the fire. The only observation which the prisoner made about the fire was on his coming down stairs. He said he supposed the fire was occasioned by the escape of gas, for he had sent to the gas-fitter several times to come and mend the pipe, but he had refused. On his speaking to Mr. Toplis about the fire, he said he had turned the gas off. Inquiries were made, and it appeared that there was nothing defective with the gas-pipes, neither had the prisoner sent to the person whose duty it was to examine them. In his defence the prisoner called a number of witnesses to speak to his character, and also endeavoured to account for the removal of his goods. The trial occupied altogether three days. The jury, after some deliberation, returned a verdict of guilty. The prisoner was sentenced to transportation for life.

6. ASSASSINATION—IRELAND.—The following instance of unprovoked atrocity, is another, among the many proofs, of the disturbed state of this unhappy country. Two gentlemen, viz. Austin Cooper, Esq., residing at Kilmore, six miles



from Cashel, and his brother, Samuel Cooper, Esq., left home about seven o'clock in the morning in a gig, on their way to the fair of Tipperary, accompanied by Francis Wayland, Esq., of Ballywalter, on horseback. When they had got about a mile from Kilmore, they were attacked by a party of four ruffians, who leaped from behind a ditch, and having allowed the gig to pass, one of the party fired, and, melancholy to tell, the shot took effect on Mr. Austin Cooper. Mr. Samuel Cooper, who was armed with a double-barrelled gun, immediately jumped out of the gig, and returned the fire, and it is supposed that he slightly wounded one of the assassins; the other three then fired and wounded Mr. Wayland severely in the back, and shot his horse in the eye. Mr. Wayland, who had a pistol, fired it, as also did Mr. Samuel Cooper, the second barrel of his gun. The instant they fired the four ruffians made off. When Mr. S. Cooper returned to his gig he found his brother dying, and in a few minutes this estimable man ceased to breathe. The only reason that can be assigned for the murder of this gentleman is, that he was agent to the Erasmus Smith endowments, and was obliged to eject some long defaulting tenants about six months ago.

7. POISONING.—An inquest was held on the body of Mr. John Bruce, of Lincoln, a respectable butcher, who died suddenly the same morning, other members of his family as well as himself having been taken ill after breakfast. All the parties who were first ill had partaken of the same food at breakfast, and two women, who had a short time after taken tea, had also commenced

vomiting. The medical gentleman, therefore, secured the tea-kettle, tea-pot, and all other articles, for examination. A surgeon who examined the body said the stomach had a very marked appearance, was highly inflamed, and had many dark patches of extravasated blood. The appearance was exactly similar to that he had seen in cases where persons died from taking oxide of arsenic. The tea-kettle used at breakfast also tasted, some of the water being left in it, and was found to contain a considerable amount of arsenious acid. The inmates of the family were Mr. Bruce, Miss Bruce, an apprentice, and maid-servant. All who partook of the breakfast were ill, and some, it was at first thought, could hardly recover. It appeared an apprentice named Samuel Kirkby, aged fifteen, had often quarrelled with deceased, and was told to stop in the house on Sunday, because a lamb died which he neglected to shepherd. The apprentice then said that he would serve his master out, and that there were others that waited for him. It came out also in evidence that this young fellow had obtained white mercury, as he said, to poison rats. Kirkby was brought into the room. He seemed perfectly collected, but had a vivid eye. He explained several minor points in respect to some money found upon him, which he said was saved from his perquisites. He said his master had flogged him severely, and he might have said he wished him dead when he had ill-used him: he might have said in a passion he wished he had a fork to knock him down. He was asked if he desired to make any other remarks; he said "No." and was then removed. The jury terminated their duty by delivering

a verdict of "wilful murder against Samuel Kirkby," who was accordingly committed to the city gaol to take his trial.

10. POISONING.—A singular case of poisoning was brought before the Central Criminal Court on this day. Benjamin Alison, a youth of eighteen, was charged with causing the death of a young woman named Emma Cripps, by administering to her a large quantity of laudanum. It appeared that the prisoner and deceased had agreed to poison themselves, and that the prisoner was present and administered the poison to the deceased. Witnesses were called, who proved, that the prisoner and the deceased (who was only seventeen years of age), lived together as man and wife, in Leonard-street, Shoreditch; that some time previous to the unfortunate catastrophe, they were in most unhappy circumstances, and in a very depressed state of mind. On the night of the 1st. of March the deceased was heard moaning, and the prisoner violently retching. Next morning prisoner left the house. The deceased was discovered dead, and on opening the body it appeared that she had died through the effects of laudanum. It was also proved, that the prisoner had several days previously bought, on various pretences, small quantities of laudanum at different chemists' shops, thus procuring sufficient to effect his object. The confession of the prisoner was put in evidence, in which the prisoner stated, that the deceased and he had agreed to die together; that he procured the poison, and they took it at the same time (ten o'clock on Wednesday night). Deceased died on Thursday morning. Prisoner became very sick soon after he took the poison, but recovered the following

morning. This closed the case for the prosecution.

The counsel for the prisoner, called Mrs. Alison, the prisoner's mother, who deposed that his father had been for some time confined in a lunatic asylum, and that the prisoner was liable to fits of high excitement. He was very much excited when he came to the witness, the day on which deceased died.

Mr. Justice Pattison then charged the jury. He said the question was, whether there was evidence of the prisoner not being perfectly sane at the time of the act in question; for the law laid it down that, if two persons went to die together, though by voluntary acts, and the attempt succeeded in one case and not in the other, the survivor was guilty of murder. There was a case in the reign of James the First, where a husband said to his wife, "I will rid myself of life;" to which she replied, "I will, then, die too." He persuaded her to buy poison, which she did, and both partook of it together. The husband died, but the wife recovered. She was tried for murder and convicted. There was, in the present case, no evidence that the prisoner had ever committed an act that manifested insanity. The jury found the prisoner guilty, and sentence of death was passed, which, however, was afterwards commuted to transportation for life.

10. CHARGE OF MURDER.—A long examination took place at the Thames Police-office, of two men named Thomas Paul, alias Scott, and Richard Tidy, excavators, charged with being concerned in the murder of Duncan Crawford an engineer, who was found lying dead in a pond in the Isle of Dogs, opposite Green-

wich, on Sunday the 9th of April 1837. It appeared that an inquest was held at the time upon the body which, presented considerable marks of violence, but no medical man was called to give an opinion as to the cause of the injuries received. These were attributed to the fact of his having been torn by the tenter-hooks on the rails surrounding the pond over which he was supposed to have climbed, with a view to evade the toll at the ferry. It appeared that a pocket book belonging to the deceased and containing his hand writing, together with other articles which were identified as his property, were found on the person of the prisoner Scott, when he was apprehended. It was likewise proved, that he had employed a woman to pawn for him a silver watch case, which belonged to the deceased, and that another woman, named Jane M'Carthy with whom he cohabited, had, on the day after the murder, been seen in possession of some gold seals, covered with mud. This girl had several times during her quarrels with her paramour, charged him with being accessory to the murder, and had threatened to divulge what she knew about it. She died however about four months previous to the present, inquiry. It further appeared that the deceased parted with a friend on Blackheath-hill at five on the evening of the 9th of April, with the intention of proceeding to Limehouse, to visit a young lady named Wilson, residing there, whose house he never reached, and that about nine o'clock on the same night a man in the garb of an excavator entered a shop in Mill-wall, nearly e-quarters of a mile from the

ferry-house, and said a person had just been murdered and his body thrown into a ditch. An old woman named Drake, better known as Scotch Moggy, and who was present, observed to the stranger that he could not have known of the circumstance unless he was concerned in the murder, and he hastily left the place without paying for the beer he had called for. On the following morning when the body was found in the pond, Scotch Moggy identified it as that of her countryman Crawford, and then expressed her belief that he had been murdered. Other witnesses were called, who proved that on the following morning between eight and nine o'clock Paul and Tidy gave information of the finding of the body, and were summoned to attend the inquest, when Tidy alone was examined. Two pawnbrokers deposed to Scott pawning the watch-case and silk handkerchief belonging to Crawford, the former on the day the body was found, and the other article about six weeks ago. Evidence was also gone into at great length as to the marks of violence on the deceased's person, which, in the opinion of the witnesses, could only have been caused by his struggling with his assailants. The case was remanded for a few days in the hope of obtaining additional evidence. Very little however was offered, and the presiding magistrate Mr. Ballantine, said, that whatever circumstances of suspicion attached to the prisoners he did not feel justified in committing them for the murder. He should commit Paul for trial for the robbery, several articles of the deceased having been found upon him (Paul), and

he should accept of Tidy's own recognizances in the sum of 40*l.*, to appear at the next Old Bailey sessions to meet any charge which might be preferred against him. Against this last, little direct evidence was adduced.

10. CHARGE OF MURDER.—In this case, which excited considerable interest, Simon Marryatt, was indicted for the wilful murder of Mary Warner, by confining her in a dark room, and depriving her of sufficient clothes, food, and fuel.

It appeared from the evidence of a great number of witnesses, that the prisoner owned three houses in Dolphin's place, Holborn, and that the unfortunate deceased, who was an infirm woman, seventy three years of age, and in the possession of some property, was induced by the prisoner on the death of her sister, to live with him, under the promise that she should be comfortably provided for during the remainder of her life. She accordingly went to the house in Dolphin-place in the month of May 1837, and it appeared that at first she was treated kindly and allowed to live in a back parlour, but in a short time she was removed to the front kitchen of the adjoining house, which also belonged to the prisoner, and there closely confined, without fire, candle, or sufficient food, and wholly deprived of every comfort and accommodation so necessary for her feeble state and advanced age. Her screams of murder, and cries for assistance, at length attracted the attention of the lodgers in the house, who were chiefly females; but for some unexplained reason, they took no steps to apprize the police of the situation of the unfortunate old woman, who complained to some

of them of the treatment she experienced, and charged the prisoner with possessing himself of her furniture, and also the lease of a house, No. 34, Cannon-street, city, which, being let out in lodgings, yielded a yearly income of about 60*l.* The deceased died on the 20th of February 1838, and before the body was buried an intimation was forwarded to the coroner, and an inquest was held; after a protracted inquiry, the jury found that the deceased had died from water on the brain, but they accompanied their verdict by stating it as their opinion that she had been neglected by the prisoner. It being thought, however, that the case ought to undergo a stricter investigation, a warrant was issued for the apprehension of the prisoner, who was finally committed on the charge of murder. The evidence offered on the trial on the part of the prosecution not only fully established the charge of ill usage and confinement, but proved beyond a doubt that the object of the prisoner in his heartless treatment of the poor old woman whose care he had undertaken was, to possess himself of her property and the lease of the house in Cannon-street, which in fact he had done before the death of the deceased, as he had represented himself to have been left sole executor to the will of the old woman's sister, and under that pretence he assumed the ownership of the lease of the house in question, sold off the furniture, and pocketed a portion of the rent.

The Jury, after a short deliberation, found the prisoner guilty of manslaughter, and he was condemned to be transported for fifteen years.

16. RIOT AND ASSAULT. — An affray attended with serious consequences, took place at Hanworth near Twickenham, on Easter Monday in consequence of the endeavours of the officers of the society for the prevention of Cruelty to Animals, to prevent one of those disgraceful exhibitions termed cock-fights. Information having been given to the secretary of the society that this cruel sport would, according to annual custom, take place on the day in question, four constables were dispatched to the village who took their station at the Swan public-house, opposite the residence of a man on whose premises the cock-pit had been formed. Here they were soon recognized by some of the cock-fighting gentry, who immediately fell upon and greatly ill-used them. On their subsequently attempting to enter the cock-pit, they were so dreadfully beaten, that the lives of two of them were at first despaired of. They were removed, in a state of insensibility, and their wounds were dressed by a surgeon, who had been immediately sent for, and who, on his arrival and departure from attending the unfortunate men, was hooted and pelted by the mob.

Several persons were arrested by the police, as being concerned in this brutal assault, and on being brought before the magistrates were variously punished by fines and imprisonment. The owner of the cock-pit was fined 5*l.* and in default of payment, committed for two months to the House of Correction.

17. SUICIDE. — An event of an extremely tragical and deplorable nature, took place about this time at Rumney, Glamorganshire, six

miles from Newport. — Pain, Esq., a young gentleman (student of Oxford), of high family and independent fortune, terminated his life by discharging a pistol ball through his head. The cause of the suicide was ascertained to have been as follows. Mr. Pain had been devotedly attached, and as is stated, engaged, to a young lady, residing in the vicinity. The attachment was believed to be mutual, but a few days previous to the catastrophe we are recording, Mr. Pain received a letter from the lady, informing him that she had transferred her affections to another person. Being convinced on a subsequent interview that this was actually the case, the unfortunate gentleman in a fit of despair, put an end to himself in the manner above mentioned.

22. FIRE. — A total destruction of property, and the loss of three lives, was occasioned by a fire which broke out about half-past five o'clock on Sunday morning, on the premises of an artist in fireworks, named Cockerell, in Paradise-row, Lower-road, Islington. The knowledge of the dangerous substances in the house prevented the firemen and their assistants from approaching too near, and this, added to the late period at which any water was obtained, rendered their efforts almost useless, and the frequent explosions blew the premises to atoms; blue, crimson, and other flames ever and anon illuminating the atmosphere. There were two barrels, each containing about half a hundred weight of gunpowder, which exploded with a loud report, and shook the neighbouring houses.

The family consisted of Mr. and Mrs. Cockerell, aged persons, their four sons and a daughter,

who all slept in the house. They retired to rest about twelve o'clock, and, before they went to bed, went over the house, as was their nightly custom, and particularly ascertained that every thing was safe, and that all lights and fires were extinguished. The mother and daughter slept in a room on the first floor, and the father and three of his sons in separate beds in another apartment on the same story, divided from the females' bedroom by a room strongly secured, in which gunpowder and other combustibles used in the trade were deposited.

Mr. James Cockerell slept in a small apartment on the ground-floor. He was awoke about half-past five o'clock on Sunday morning by an explosion, and his room was immediately filled with smoke. He got up and rushed out of the house with nothing on but his night-clothes, and on looking up saw the smoke issuing from the apartment containing the gunpowder. Directly afterwards, some of the fireworks in the room exploded, and broke the windows, and the flames burst forth. He instantly seized a ladder standing in the garden, one end of which he dashed through the window of the apartment in which his father and three brothers were asleep.

He also alarmed his mother and sister in a similar manner, and ascended the ladder, and got into their room, which was so full of smoke, that he had the greatest difficulty in remaining there a few seconds. On dragging his mother and sister to the window, they were quite exhausted, and it was with a great deal of trouble he managed to assist them in descending the ladder, in doing which the daughter fell, and was

severely bruised. At this moment a man and a woman appeared at the gate, and he implored them to assist him in saving his father and brothers. The parties, however, were so fearful of an explosion of gunpowder, that they would not venture near the house. Mr. James Cockerell then returned and placed the ladder against the window of the other sleeping room, the interior of which then appeared on fire. His father was at the window, and threw himself across the ledge, apparently endeavouring to relieve himself from one of his sons, who, in the fright occasioned by the sudden alarm, the smoke, and the fire, had seized his legs. Mr. James Cockerell ultimately succeeded in dragging his father on to the ladder, calling out, at the same time, to his brothers to make their escape, but without receiving any answer. His father no sooner got on the ladder, than he slipped, and fell with great violence on the ground. He raised him up, and the policemen coming up at that moment, conveyed him to a place of safety. All attempts to save his brothers proved fruitless. Mr. Cockerell, and the surviving members of his family, were ruined by the fire; the dangerous nature of their trade prevented an insurance being effected at any premium on the stock and furniture, and the loss was a very great one.

25. STEAM-BOAT ACCIDENT.—AMERICA. The following dreadful accident, by which one hundred and twenty-five persons perished, took place at Cincinnati, United States, and is ascribed entirely to the imprudence and carelessness of the commander, Capt. Perin. His vessel, a new and very handsome steam-boat, called the Mo-



selle, left the wharf, (full of passengers) for Louisville and St. Louis, and with a view of taking a family on board at Fulton, about a mile and a half above the quay, proceeded up the river, and made fast to a lumber-raft for that purpose. During the whole time of the detention, the captain was holding on to all the steam he could create, with an intention of showing off to the best advantage the great speed of the boat as she passed down the whole length of the city.

As soon as the family were taken on board, the boat shoved off, and, at the very moment her wheels made the first evolution, her boilers burst with a most awful and astounding noise, equal to the most violent clap of thunder. The explosion was destructive and heart-rending in the extreme. Heads, limbs, and bodies, were seen flying through the air in every direction, attended by the most horrible shrieks and groans from the wounded and the dying. The boat, at the moment of the accident, was about thirty feet from the shore, and was rendered a perfect wreck. She seemed to be torn all to flinders as far back as the gentlemen's cabin, and her hurricane deck (the whole length) was entirely swept away. The boat immediately began to sink rapidly, and float (with a strong current) down the river, at the same time getting farther from the shore.

The captain was thrown by the explosion into the street, and was picked up dead, and dreadfully mangled. Another man was thrown through the roof of one of the neighbouring houses, and limbs and fragments of bodies were scattered about the river and

shore in horrible profusion. As soon as the boat was discovered to be rapidly sinking, the passengers who remained unhurt in the gentlemen's and ladies' cabins became panic-struck, and jumped into the river. Many were drowned before they could be rescued.

One little boy on shore was seen wringing his hands in agony, imploring those present to save his father, mother, and three sisters, all of whom were struggling in the water to reach the shore, but whom the poor little fellow had the awful misfortune to see perish, one by one, almost within his reach. An infant child, belonging to this family, was picked up alive, floating down the river on one of the fragments of the hurricane deck.

The boat sunk in about fifteen minutes after the accident, leaving nothing to be seen but her chimneys and a small portion of her upper works.

It is supposed that there were about 200 persons on board, of which number only from fifty to seventy-five are believed to have escaped.

26. SHIPWRECK.—IRELAND.—This most calamitous case of shipwreck took place off Cape Clear. Of the forty-one human beings on board, two only were miraculously preserved, one of whom, an intelligent young man, son of Mr. David Wills, ship-owner of Hull, and who was second mate of the vessel at the time of her loss, furnished the following particulars:—The Margaret, of Newry, transport, after taking in a quantity of stores in the Thames, for the use of her Majesty's troops in Canada, proceeded to Cork, where she completed her lading, and sailed from thence for her place of

destination, on the morning of the 26th, having on board, in addition to the crew (which consisted of the captain, the chief and second mates, and twenty-five able seamen), two officers' ladies, with their children (seven in number), the captain's wife and child, two ostlers, and twelve horses. Shortly after noon, a fresh breeze sprung up from the SSE., which, as the day advanced, increased to a gale, accompanied with thick showers of snow. At about half-past eleven, p. m., the ship, being still on the same tack, in the darkness of the night, and during a heavy fall of snow, struck on the rocks lying off Cape Clear, at the distance of about a mile from the main, the sea making a complete breach over her; and shortly after the captain, his wife and child, were successively engulfed in the raging abyss. The chief mate, with a view to steady the ship, which was beating violently on the reef, ordered the carpenter to cut away the main-shrouds and mainmast, which was promptly done, the mast being left about two-thirds cut through. The whole of the crew and passengers then sought refuge in the forepart of the ship, with the exception of the survivors, Mr. Wills, and a seaman of the name of James Johnson, a native of North Shields, who lashed themselves to the mainmast on the windward side. Shortly afterwards the mainmast went over the lee, carrying with it the two hapless seamen, who, on their again rising to the surface, floated freely. A few minutes afterwards the foremast went by the board, hanging over the lee-side of the vessel, only attached to her by the shrouding, with the unfortunate ladies and children

lashed thereto for safety, the remainder of the crew clinging to various parts of the ship. At this moment the universal shriek of despair, which burst from the devoted group, was of the most heart-rending description. Mr. Wills, and his companions in misfortune, at length drifted clear of the wreck, surrounded by an accumulation of horrors. Exposed to the fury of the sea, the pelting of the snow-storm, and enveloped by the deepest shades of night, the mast to which they were lashed continued to drive in the direction of Cape Clear, until six o'clock A. M., when they perceived a large dog of the Newfoundland breed, which had belonged to the unfortunate chief mate, swimming towards them; they contrived to place the poor animal on the mast beside them. In this helpless condition they remained till half-past ten A. M., when they reached the shore, well nigh exhausted. The sagacious brute which accompanied them, immediately on landing, set off to a preventive station, where, by the singularity of its actions, it attracted the attention of four of the coast-guard, who were eventually induced to follow it, which circumstance led to the discovery of the suffering mariners. At the time they were found they were totally deprived of the power of speech. They were immediately removed to the residence of Lieut. Hardy, the officer in command on that station, where every thing was done to promote their recovery. On the following day, a young man, of the name of James Jameton, a native of Yarmouth, and a seaman on board the ill-fated ship, was discovered on the beach, and, strange to relate, was still in ex-

istence, but quite incapable of explaining by what means he had so long survived the dreadful catastrophe. He also received every attention, but nature was too far exhausted, and he expired about four hours after his removal to the house of Lieut. Hardy.

27. FIRE IN CHARLESTON, UNITED STATES.—On the night of the 27th, a fire broke out in Charleston, South Carolina, which destroyed 1,300 buildings, and property estimated at five millions of dollars, including a new and splendid hotel, the new theatre, three churches, many of the handsomest houses, and an immense stock of merchandise. The fire commenced in a paint-shop at the corner of Beresford-street, on the western side of King-street, precisely the part of Charleston, where, from the value of the merchandise stored there, and the narrowness of the streets, it was certain to do more damage than in any other. It is supposed that property, worth about two millions of dollars, was insured.

28. BURSTING OF A STEAM-BOILER.—An accident, which was attended with very disastrous consequences, took place in the town of Stockport, on the evening of this day, occasioned by the bursting of a steam-boiler used in the cotton-factory of Messrs. Lane and Sons, in the higher Hillgate. From the account given by the manager, it appeared that the engineer, was in the act of opening the valves, in order to stop the engine, it being tea-time, when the boiler blew up with a dreadful report. The explosion shook the whole place. The boiler-house had two boilers in it, one in use, and the other in course of repair, four men being employed at the

time inside of it. The boiler in use was rent entirely to pieces, and torn up from its position. The boiler under repair was also torn up, having the appearance of having been lifted to some height. It was broken to pieces, and lay on the ruins a flattened mass. The steam-pipe had been blown off the boiler in use over part of the factory three stories in height, and had fallen near the counting-house door on the opposite side, together with an iron weight of nearly 60lbs.; a stone slab 13 inches by 17, and  $2\frac{3}{4}$  inches thick, had been blown through the carding-room window on the second floor. Several persons immediately crowded to the assistance of the sufferers by the accident, who lay in different parts of the boiler-room. These consisted of the four boiler-makers, two fire-men, two girls, and a boy, all of whom were most severely scalded and bruised, and a weaver, who had gone into the boiler-room to smoke his pipe, and who was unfortunately buried under the ruins in the boiler-house, where, after some minutes, his body was discovered, a shockingly mangled corpse.

The alarm of the hands employed at the mill, on hearing the explosion, was very great, especially of the girls, many of them attempting to get through the windows, under an impression that the mill was falling, and several men on the second floor leaped out at the windows.

It does not appear that the cause of the accident was ascertained, nor could the engineer form any conjecture respecting it.

— SALE OF WORKSOP. — The ancient mansion and estate of Worksop were lately sold by the Duke of Norfolk to the Duke of

Newcastle, for 370,000*l.*; the income of the property is said to exceed 10,000*l.* a year, and the value of the wood on it 150,000*l.* As lord of this manor, the Duke of Norfolk claimed the right of supporting the arm of the sovereign at the coronation, and presented an embroidered right hand glove, as homage for the estate, which is held in grand-sergeantry by the above service.

28. REVERSION OF ANNUITY.—A question which excited much merriment came before the Vice-Chancellor's court, in the case of *Tomlins v. Upham*. Mr. Bethel appeared in support of a petition presented by residuary legatees claiming under the will of a maiden lady named Katherine Barfoot, praying to have certain sums of stock transferred into the name of the Accountant General to the credit of the cause. Among the numerous bequests contained in the will of the testatrix, was an annuity of 10*l.* secured on a sum of stock, "to provide a suitable income for the life of a favourite tom cat, named Blucher." The dividends had been regularly appropriated from time to time by the trustees to the maintenance and support of the annuitant until the period of his death, which occurred a few days ago. The annuity, therefore, having fallen in, the present petition sought to have the stock transferred.

His honour inquired, what evidence the learned counsel had to offer to the court of the annuitant's death.

Mr. Bethell said, a certificate of the burial of the deceased, which was the usual evidence required by the court, could not be produced; but he trusted under the peculiar

circumstances of the case his honour would consider an affidavit of the fact by a disinterested party sufficient evidence that the annuitant was dead.

The registrar suggested that the affidavit would not justify the court in making the order, inasmuch as it only deposed to the fact of a single death, whereas a cat was proverbially known to have nine lives.

The Vice-Chancellor said, he felt the weight of the objection, but observed, that the cat having once died must be held for ever *civiliter mortuus*, and not entitled to greater privileges than a Christian.

— EXTRAORDINARY CASE OF INSANITY.—DUBLIN.—A court of inquiry was held at the Royal Exchange, to try and examine into the state of mind of Miss Martha Matilda Loftus Smith, whether she were of insane mind; and if insane, who was her heir at law and next of kin to the personal property she was seised of. The lady was seventy-eight years old, an unwedded daughter of the late T. Loftus, Esq., Kellyon, county Meath, and was, with the other younger children, left 3,500*l.* with 3,000*l.* charged for her on the family estates, by her father's will. From the details of her eccentric habits it appeared, that she would not sleep on a bed in her house, in Fitzwilliam-square; that she lived in her drawing-room, converting it into a kitchen as well as sleeping-room, frequently appearing naked at the windows, or scarcely clothed at all when going into the street, or driving about town in a jaunting car; she caused a number of red pocket handkerchiefs to be stitched into a gown; her sister,

Miss Jane Loftus, was also deranged. Her parrot dined off the same plate with her; and fancying that a musical instrument had been invented on which parrots could play, she importuned the music sellers to procure it for her favourite polly. In boxes, kept near the large fires always burning in her chamber—a very dirty one—large sums of money were found on searching them and other property to an enormous extent. She was supposed to possess more also. There were twenty-five  $3\frac{1}{2}$  per cent., seventeen 5 per cent. debentures discovered, on which unclaimed interest had for many years been accumulating; six Bank of Ireland notes for 500*l.* each, two of 400*l.*, 700*l.* in various notes and gold, and bonds for 600*l.* Coins, plate, gold watches, and other valuable property, thrust between rags, book-leaves, and concealed amidst dirty vessels, clothes, &c. about the apartment. She always appeared very ill dressed, unwashed, and squalid. Several witnesses were examined at length, who corroborated the above statement. The jury, after some deliberation, brought in a verdict declaring her insane, and incapable of managing her affairs.

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## MAY.

1. MARQUIS OF WATERFORD.—We have to record another characteristic proceeding of this nobleman, whose eccentricities, it is but charitable to suppose, arise more from natural defect of mind, than from any cause for which he can be held more directly responsible.

Be that as it may, he would appear to have earned for himself a very unenviable degree of notoriety. In the present instance, his name was brought before the public in consequence of an appeal made at a meeting of Middlesex magistrates by the landlord of the Turk's Head, in the Haymarket, against the refusal of four magistrates to renew the licence of the house. Mr. Phillips, who appeared for the respondents, said he should show the sort of patronage the Marquis of Waterford, of whom he wished to speak with every respect, had extended to the house in question. The noble Marquis had ordered a butt of sherry wine to be given away at the house; and the qualification required from the recipients was, that they should be women of abandoned character. Mr. Phillips described the scene that ensued after the distribution of the sherry; and called witnesses, who proved that the house was a complete scene of riot during the time the wine was distributed, and that a body of the police was obliged to interfere. The Marquis was present on the occasion, and had a fight with a man in the house. The police interrupted the fight, and dispersed the crowd. The appeal was, of course, instantly quashed.

4. FIVE CAUSES WITHOUT AN ATTORNEY.—In the Court of Common Pleas, Guildhall, there were five causes set down for trial; but notice had been given that there would be no defence as to four of them. When the fifth and last was called on, the attorney for the defendant did not answer. The learned judge, after remarking upon the extraordinary fact that no attorney was present in any

one cause, told the jury that the plaintiff ought to recover 400l.; and as no one appeared to gainsay the claim, they were bound to return a verdict for that amount. That having been done, the Court broke up, after being occupied about twenty minutes.

7. CONSPIRACY AGAINST THE LIFE OF LOUIS PHILLIPPE.—PARIS.—The trial of the individuals accused of having engaged in a fresh plot against the life of the King of the French, commenced on this day, but excited comparatively little interest. The public sympathy appears to have been worn out by the frequency of the claims made upon it, and a pretty general feeling of scepticism prevailed, as to the reality of any such combination as was alledged, which was on the contrary supposed by many to have been got up by the agents of government as a pretext for oppressing and restraining the republican party. The principal actor in the present conspiracy was a journeyman currier, of the name of Hubert, arrested at Boulogne, in the month of December, 1837. The other parties accused of a participation in his crime, were Leproux, judge of the First Instance at the Tribunal of Vervins; Mademoiselle Grouvelle, a woman in respectable circumstances and of respectable connexions; Giraud; Annat; Vauquelin; (formerly a garde du corps of Charles X.) Valentin who had been compromised in the insurrection of the 5th and 6th of June, 1832; and Steuble, a Swiss, by trade a machine maker. From the *acte d'accusation* we gather the following particulars.

Hubert had rendered himself amenable to the law by participation in the projected attempt to

assassinate the king on his way to Neuilly, which was to have been carried into effect before the attempt of Fieschi, and in which Boireau, who figured in this last mentioned affair, was also concerned. For this crime Hubert was tried, convicted, and sentenced to imprisonment for five years, and had been transferred to the prison of Clairvaux to undergo that punishment, when the amnesty of 1837 liberated him. He came to Paris immediately afterwards, and apparently applied himself to his trade, but the police having discovered his abode ordered him to repair to his place of residence, a distant town fixed on by government. With this order he affected to comply, buckled a havresack on his back, took leave of his friends, and disappeared—that is to say, here the police lost sight of him, a fact which appears somewhat unaccountable, if we are to believe the assertion that Hubert had previously on several occasions, both public and private, declared “that Louis Phillippe should die by his hand.” Hubert was next heard of on the road from Paris to Soissons on the 31st. of July following, travelling under the name of Steigler,) that of a person of whose passport he possessed himself) in company with Steuble, who had assumed the name of Albert.

It was in Paris that Hubert made Steuble's acquaintance. The latter had come thither to offer for sale to the French government a destructive war engine, invented by his father. They lodged in the same hotel, in the Rue Marie Stuart. Meeting one day in the parlour, Hubert asked Steuble of what country he was. The latter replied he was a Swiss by birth.



"You are consequently a republican," replied Hubert. "Yes," answered Steuble, "a staunch republican." "You and I sympathise in politics," observed Hubert, and when Steuble told him he was a machine maker, he promised to obtain work for him. Hubert soon introduced him to Mademoiselle Grouvelle, who gave him money, and treated him as one of her co-religionists. Steuble, in the mean time, did not divulge his father's secret; but offered to part with it for 25,000 francs, (1000*l.*) This sum Mademoiselle Grouvelle agreed to pay him, on condition that he constructed a machine of the kind. Steuble required, however, that a positive contract be entered into between them, by which "the future republic of France" would be bound to grant him "a national recompense," and appoint him "director of all its arsenals with a handsome salary, besides board, lodging, coals and candles."

These preliminaries arranged, Hubert and Steuble set out for Vervins, where they had the desired interview with M. Leproux, who is supposed to have advanced them money. Taking leave of him, they proceeded for Belgium. They embarked at Ostend on the 4th., and arrived in London on the 6th of August, and lodged first at the Blue Anchor Tavern, and afterwards in the apartment of an individual named Souillard, one of the contumacious (absconding) conspirators of April.

Of their subsequent proceedings in London there are not many details given, but it would appear that Steuble continued to work at the machine and to tease Hubert for money on account.

About October the police became

vaguely acquainted with the existence of a plot to assassinate the king, through, it would seem, an indiscretion on the part of Steuble, who while walking in the streets of London in the month of October, in company with an Hungarian refugee, named Darwaris, in the course of conversation informed him that he was employed in constructing a machine intended to kill Louis Phillippe. He apprised him of different circumstances of his journey from Paris, and mentioned, amongst others, that on passing with his companion through a town, of which Darwaris did not recollect the name, they had received money from "a public functionary." Another person, also residing in London, of the name of Schiller, is stated to have heard Hubert say that he had given Steuble either 700*f.*, or 1600*f.*

This Steuble, on whose disclosures, in conjunction with those of Valentin, the evidence against the other prisoners mainly rested, finding, as it would appear, that the 25,000*f.* promised to him were not forthcoming, reproached Hubert with having deceived him, and threatened to reveal the whole plot. Several violent scenes subsequently took place, by Steuble's account, between them, at one of which Hubert, seizing a knife, and brandishing it, said, "If you open your lips on the subject to mortal, and that you do not go on with the machine, I will stab you to the heart." The day after this occurrence, Hubert, profiting by Steuble's absence, forced his way into his room, broke open his desk, carried off his plan, and left a note on his table, telling him that it was he who had committed the theft, and repeating his menaces.

After achieving this feat, Hubert

addressed a letter to Mademoiselle Grouvelle, in which he told her that he was in possession of Steuble's plan, and requested her to send him money to enable him to set out for Paris. He informed her that Steuble had proved unfaithful to the cause, and was about to denounce the plot. In consequence he intimated his intention to get rid of him without delay. About the time that this letter was written Steuble, according to his own account, received a note inviting him to meet a friend just arrived from France, and who was to wait for him in Hyde Park at eight o'clock in the evening. Steuble, dreading some *guet-à-pens* (snare), went to the rendezvous accompanied by two individuals, but found no person. The instructing magistrate naturally inferred from the coincidence of the letter addressed by Hubert to Mademoiselle Grouvelle, and the rendezvous, that had Steuble repaired thither alone, Hubert would have murdered him.

Steuble, being afraid of Hubert, hastened to quit London (to return to Paris) early in November, and Hubert remained there until the beginning of December, when he proceeded to Boulogne. On landing at that place he dropped his pocket-book on the quay, which being picked up and opened by the police, was found to contain, among other suspicious papers, a letter addressed to M. Leproux, judge of the court of Vervins, written entirely in cypher.

On discovering the loss of his pocket-book, Hubert immediately wrote off to Mademoiselle Grouvelle, in Paris, to inform her of this misfortune, which, however, he said, should not interfere with the execution of the plot, as he had

the plan of the machine in his possession, and prayed her to forward him some money to enable him and an individual, A——, whom he expected by the next packet, to travel up to Paris.

It was while waiting for that money, on the 11th of December, that Hubert was arrested by the police, who seized in the lining of his hat the plan of the machine, which pretty nearly resembled that of Fieschi's, but was to be more scientifically constructed. It was to consist of sixteen gun-barrels, placed on two rows of eight each.

The magistrates charged with the prosecution were a long time at a loss to procure the key to the cypher, in which the letter to M. Leproux was written. At the end of several months an individual, after studying it for a long time, discovered the secret, and put the Attorney-General in possession of its important contents. Every word being represented by two numbers, placed one above the other, this *expert* suspected that the numbers indicated a reference to some dictionary; that the upper number was the indication of the page, and the inferior one of the line where the word was to be found. All the German, English, and French dictionaries published in Paris were accordingly bought up, and after many a fruitless attempt, the *expert* at last pitched upon the right one, and which was the English and French pocket dictionary of Tiby, published by M. Baudry, a bookseller, living in the rue du Coq. The numbers perfectly adapted themselves to the page and line, and by these means he was enabled to read the very long letter addressed to M. Leproux and two

others on which addresses had not yet been written.

Hubert, in his letter to M. Leproux, tells him that "every thing is ready for the execution of the plan;" that he is in possession of the secret on which Steuble's machine was to be constructed; that the entire of the *matériel* was already in Paris; and that nothing more was wanting than a little money, which he trusted, in his patriotism, he would place at his disposal. He then commends M. Leproux for his devotedness to the cause of the republic, and tells him what eminent services a man of his rank and fortune could render to his country. "As for me," writes Hubert, "I am a mere *proletaire* (a man who lives by the labour of his hands); I have nothing to offer to France but my blood, and the purity of my intentions." He then says that very few of those who called themselves Republicans could be trusted; that he had seen most of them in intimacy, and that the impression they had made on him was, that they were a set of ambitious intriguers, place-hunters, and political mountebanks. "As for me," adds Hubert, "I love the republic, but feel little affection for the Republicans, yet my contempt of the latter will not prevent my doing my utmost to bring about the success of one party by the death of the tyrant. I have long considered whether it were possible to arrive at our ends by a moral resolution, and have acquired a conviction that no good could be attained without a *matériel* one. No other means are left by which to rid the country of an insolent aristocracy, and of the vultures who prey on the blood and vitals

of the people." Hubert then recommends M. Leproux to be punctual to meet him at the rendezvous agreed on between them, where a third individual, whose name did not transpire, was to join them.

Of the plan of the conspirators the following letter, which is given verbatim, speaks more distinctly. It was like the other letters of Hubert, signed "Steigler," the name of the individual whose passport he had stolen, and which he had assumed:—

"Here is our plan. We intend to hire an apartment in the neighbourhood of the Chamber of Deputies, and a stable in the same house, where we shall place the *matériel* necessary for the construction of two machines, which will be put together the day before the opening of the session. When the king shall have reached within a certain distance, we shall bring out the machines from under the gateway, and in three minutes I pledge myself to have *foudroyé* the king and the whole of his staff. In the mean time, two men stationed on the roof of the house will throw Congreve rockets on the Chamber of Deputies, which will be in a blaze in less than five minutes."

M. Leproux, the judge implicated in the affair, belonged to a respectable and wealthy family. He at first denied having had the least knowledge of Hubert or Mademoiselle Grouvelle, and said he could not account for the letter addressed to him by Hubert, which was found in his pocket-book at Boulogne. However, when it was proved to him that Hubert had waited on him on the 1st of August previous, he admitted

that an individual had been sent to him at that time by Mademoiselle Grouvelle, who requested him to procure him some employment. He had accordingly given him twenty francs, and recommended him to a neighbouring manufacturer (who, however, on being examined, did not recollect that any one had called upon him in M. Leproux's name). That, as regarded the machine mentioned in the letter, it must have been one for manufacturing beet-root sugar, which he had ordered from Paris. It appeared, certainly, that MM. Leproux, father and son, were concerned in such a manufactory, but the manufactory being in full work since September, 1836, it did not stand in need of a machine in December, 1837. M. Leproux subsequently acknowledged, that he was well acquainted with Laure Grouvelle, and had seen Hubert, but denied having had any part in the conspiracy.

Laure Grouvelle belonged to a respectable family. Her brother occupied a high situation, in the engineering department. She lived in Paris with her mother, and had about 6,000*fr.* a-year. Previous to settling in the capital she resided a long time in Metz, where her masculine disposition manifested itself by numerous acts. It was in Paris that Laure Grouvelle, hurried along by the admiration she felt for the courage displayed by the combatants of June, 1832, took the defence of the conquered, attended the wounded, ministered to the wants of others, and, in short, from that time became a sort of providence for the republican party. For old Morey, who suffered death as one of Fieschi's accomplices, she en-

tertained the highest veneration.

Alibaud was, after Morey, the object of Laure Grouvelle's admiration, and when he had ceased to exist, Hubert succeeded him in her affections. A circumstance tended to make her distinguish him among all the men of his party. When Alibaud was arrested, Hubert was a prisoner in La Conciergerie, and on the point of being tried for the conspiracy of Neuilly. Alibaud declared, he had no accomplices, and the minute investigation of the police not having discovered the least trace of one, Baron Pasquier, the President of the Court of Peers, was not a little surprised one morning at receiving a letter from Hubert, in which the latter demanded to be confronted with Alibaud. Hubert having been removed for the purpose to the Luxembourg, the President took him to Alibaud's cell, to be present at the interview, when, to his utter disappointment and amazement, Hubert merely complimented Alibaud on his act, told him not to believe one word that that miscreant (pointing at Baron Pasquier) would say, and, after urging him to be true to the cause, assured him that his death would be avenged.

Hubert from that day became Laure Grouvelle's hero, and in a letter to one of her co-religionists, as she called the Republicans, she speaks of him in these terms:—"His conduct towards Alibaud bears a special stamp of elevation. The character of the man manifested itself fully in that interview, and whatever fate circumstances hold in store for Hubert, there is in him the stuff of a Morey and an Alibaud."

Steuble, who was taken into custody at Paris, denied during several months having any knowledge of the conspiracy, and the magistrates were on the point of liberating him, when, tired of confinement, he proposed, on certain conditions, to make disclosures. He accordingly wrote a full account of every circumstance that came within his knowledge. After having been permitted to communicate with his friends, he retracted some of his most important assertions. Steuble is said to have had so little of political principle in him as to have previously offered to sell the secret of his machine to the Duchess de Berry and Don Carlos. The trial occupied many days, but no additional particulars of importance were elicited. The evidence against the prisoners rested chiefly on the testimony of Steuble and Valentine. The latter was shewn to be a person of notoriously bad character, having been sentenced to imprisonment and the pillory for forgery. The result of the trial will be given under a later date.

**LAW - SUIT AT BERLIN.** — A singular proceeding at law was about this time brought against Prince William, by a man who kept a panorama of Kalisch at the camp of Telton, the year previous. The soldiers were standing in considerable numbers at the door of this show, when the Prince was going in to see it; and his royal highness good-naturedly said to the proprietor, "Let these soldiers in, I will pay for them;" giving him at the same time four fredericks of gold. The man alleged, that he understood this to apply to the whole of the troops, whom he conse-

quently allowed to enter; and brought a demand against the prince of 2,000 thalers, having refused his royal highness's offer of twenty fredericks as an indemnification for the mistake.

**8. IRELAND — OUTRAGE ON A CLERGYMAN.** — A zeal for religion, no less than for liberty, has so frequently been assumed as the justification of the indulgence of passions totally at variance with either, that it can scarcely be matter of surprise, or a just ground of exception against any particular sect, when we find actions committed in their name, which all their true followers of every shade of opinion, must equally reprobate. In Ireland, more especially, where the *superstition*, for we can hardly call it by a higher name, of the lower classes, is mingled with, and heightened by, a strong national dislike of the members of the Protestant communion, and where civilization has done little towards softening the natural violence of their feelings, the most unseemly outbreaks of fanaticism and party zeal may be expected. The following shameful scene of insult and outrage which took place in the burial-ground of Tuam Cathedral is, we regret to say, not an uncommon instance. It appears, that Mr. Thomas Burke, son to Lady Matilda and Major Burke, had died a Roman Catholic. The Rev. J. M'Lindon, Curate of Tuam, having been required by Lady Matilda and Major Burke to officiate at the interment of their son, accordingly met the funeral at the church-gate, and proceeded to read the burial service. Scarcely had he uttered a word when he was set upon by

hundreds of ruffians, who drove him away, and dashed him with great violence against a tree, where they left him faint and exhausted from the brutal treatment he received from their hands—then, with savage yells, they bore away the remains of the deceased to inter them. Major Burke positively refused that his son should be buried, as he expressed it, like a brute, and sooner than suffer such an indignity, he would submit to be buried in the same grave. Mr. M'Lindon made repeated attempts to perform his duty, but was as often literally torn away from the grave, and forced to take refuge in the vestry room. At length, Major Burke, with several Roman Catholic gentlemen, came to Mr. M'Lindon, offering their services to protect him; he went to the grave, and made another attempt to recommence the service, but this seemed to be the signal for fresh outrage. The gentlemen who stood around him were flung into the grave, the clergyman was violently dashed from one side of the grave to the other; with much difficulty he held the Prayer-book, which the ruffians were forcing from him; his clothes were torn, and much personal injury offered to himself; the clerk and sexton were both repeatedly struck. Mr. M'Lindon attempted to expostulate with the people; he told them that he had the express directions of the parents of the deceased to attend there, and that, as he had a public duty to perform, be the consequences what they would, he could not leave the grave until he had finished the service. The mob then made another rush, shouting, "Tear him to pieces; push the heretic into the grave," &c.; till

at length, after a perilous interval of an hour, protected by all the respectable persons present, Roman Catholic as well as Protestant, at the risk of their own lives, he was enabled, in spite of the deafening yells, imprecations, and threats of those who were raging to tear him to pieces, to perform the service of the Protestant Church. Mr. Thomas Burke, in his dying moments, received, in the presence of his brother, the sacrament, from the hands of a minister of the Established Church, thus testifying that he died in the communion of that church in which he was also buried.

8. ROYAL GRATITUDE.—It would appear that the Duke of Kent, died in considerable debt to the late Lords Fitzwilliam and Dundas. About this time, the representatives of those peers received the amount of their debts, accompanied by a valuable piece of plate from the Queen, with a letter expressive of the obligations she felt towards those who had been her father's friends, and the pleasure she and the Duchess of Kent had in being enabled thus to express their sense of them.

14. AMERICAN VERDICT.—The Speaker of the Arkansas House of Assembly, having killed a member with a bowie knife, on the floor of the house, while in session, was brought to trial for the offence. The following was the verdict returned—"In the case of John Wilson, for the murder of J. J. Anothony, the jury find, "Not guilty of murder, but excusable homicide!!"

14. CASE OF LIBEL.—COURT OF COMMON PLEAS.—WHITE *versus* NEWMAN. It will be seen, on reference to our last volume, that the parties in this case were the



same who had appeared at the Middlesex sessions, in the month of October previous, when Mr. Newman, the defendant, was sentenced to fine and imprisonment for a violent assault on Mr. White, whose daughter, after having, for a time, encouraged his addresses, had finally, at his instigation, as Mr. Newman thought, rejected him. Mr. Newman, who was a barrister by profession, on both occasions conducted his defence in person, and behaved in so outrageous a manner, as to draw upon himself repeated reprimands from the bench. The only circumstance which could be pleaded in palliation of his conduct, was, the irritation caused by the repeated renewals and subsequent breaking off of his intercourse with the lady to whom he was attached. The present action was brought in consequence of Mr. Newman having sent letters to all the friends and connexions of Mr. White, representing that he (Mr. White) had insinuated or charged that Mr. Newman had been improperly connected with his daughter; and also speaking of her father in terms of the grossest insult and contumely. The plaintiff's object was first to give Mr. Newman an opportunity of making good, if he could, the charges contained in his letter; and, in the next place, to protect himself from the continuance of those attacks and annoyances. The counsel for the plaintiff having urged Mr. Newman to put a stop to further proceedings by giving a promise that he would not, either by letter or otherwise, renew an application which had received a decided negative, or continue the course of annoyance complained of, the defendant stated in reply, that both he

and Miss White had entered into an engagement of the most solemn nature, and no threat of exposure should compel him to give a pledge inconsistent with his honor and happiness.

The trial consequently proceeded; the defendant, besides the plea of not guilty, pleading in justification of a portion of the libel, that part of it was true.

It appeared that, on the day following the assault before referred to, Mr. Newman sent the following circular, (which formed the first portion of the alleged libel,) to as many of the friends of Mr. White as he knew, even by name:

“(Circular.) July 14, 1837.

“Mr. R. S. White, of Gordon-place, being himself a faithless man, a shuffler, and a liar; and having counselled his daughter to perjure herself; having also dishonourably taken and refused to deliver up certain love-letters written by me to his daughter, after hers to me had been returned; and having employed his clerk, Eldon, to write and send two anonymous letters, basely and foully insinuating and charging that I had defiled his daughter, and dealt with her as a harlot—I did, on the 13th of July, 1837, publicly horsewhip him in Woburn-place.

“JOHN NEWMAN.”

When Mr. Newman attended at the police-office to answer the charge of assault, he exhibited this libel in the office as the circular which he had sent. In refuting the imputations contained in this letter, the following statement was made on the part of the plaintiff. After an interview in November, 1836, in which Mr. White decidedly declined the proposals made by the defendant to his daughter, the connexion ceased for some time, but subsequently the defendant conveyed a letter to Miss White in a book given to her by the pew-opener at St. Pancras

church, and by threats of violence to her father, at length induced her to visit him at his chambers, and there prevailed on her to take an oath to marry him, and he took an oath to marry her, and it appeared, that, at first, Miss White thought herself bound by it. Mr. Newman then wrote her a letter, urging a second visit to him, which was dated the 18th of December, 1836.

In this, after reproaching her with a disposition again to fly off from him, and warning her not to bring him into contact with her father, as he most probably should knock him down, he adverted to his feelings on the occasion of her visit, in a manner that must have effectually prevented any modest woman from venturing on a repetition of the experiment—pressing her, at the same time, to come again as soon as possible, and “alone or not at all.” Miss White, as might be expected, did not comply with this request, and definitively told him that all connexion between them must cease for ever. This resolution the defendant resented by a third letter, dated Feb. 3, 1837, in which he told Miss White she would inevitably incur damnation by breaking her engagement; and taunted her with the loss of reputation, which must ensue should the fact of her visit to him become known, alluding in very coarse terms, to the reflections made upon the circumstance by his friends. Miss White after this, left town, but was followed every where by the defendant’s letters. She sent him several distinct rejections, but he alleged that they were written under the compulsion of her father. She therefore consented to an interview with him, on the lawn of the

house of the friend with whom she was staying. She then positively assured him that all intercourse between them must cease, and he appeared satisfied. He afterwards, however, demanded another interview, which was refused. Mr. White conceiving that he was labouring under an infatuation in respect of the oath, sent him an anonymous letter, referring him to the first lesson of the following Sunday evening service. That Sunday would be the 19th. of February, and the ordinary lesson for that day would be the 30th chapter of Numbers, in which it was said, “If a woman also vow a vow unto the Lord, and bind herself by a bond, being in her father’s house in her youth, and her father disallow her in the day that he heareth, not any of her vows or of her bonds wherewith she had bound her soul shall stand, and the Lord shall forgive her, because her father disallowed her.” But it happened to be Lent at the time; the 19th being the second Sunday in Lent, the lesson for that day was different from the ordinary one, and was taken from the 34th chapter of Genesis, which related to the seduction of Dinah by Shechem, and the consequent resentment of her two brothers Simeon and Levi. As soon as the mistake was found out, another letter was written to the defendant apprising him of it, and referring him to the lesson from Numbers instead of the lesson from Genesis, but adding that it was appropriate, and Mr. Newman might learn from it to beware of offended brothers. The defendant subsequently thought fit to send some doggerel poetry connecting the plaintiff’s family with the story of Dinah. In addition to that he wrote the

scheme of a drama in five acts, which he called "Jacob," and compared the members of the family with the different characters connected with the history of Dinah, representing Miss White as Dinah, and himself as Shechem the seducer. After that he committed the assault ; and in September he renewed his persecutions by sending round copies of the two anonymous letters, with the following letter, to the parties to whom he had sent the first circular :

CIRCULAR.

" Mr. R. S. White, of Gordon Place, confessing that he employed his clerk Eldon to write the anonymous letters mentioned in the circular of the 14th of July, I beg to send copies of the letters, and to add that had I not been provoked by unworthy attempts at concealment, the best part of which are known to Mr. Hunt, of the Inner-temple, I should not in all probability have horsewhipped Mr. White."

In a subsequent letter to Miss White he said he did not admit that she was freed from her engagements because she might condemn him ; on the contrary, if he had committed murder, and been fortunate enough to escape hanging, she would be still bound to marry him. Her oath was as binding as the marriage ceremony, and he did not admit her right to be off, if he were as bad as Greenacre.

Mr. Newman, in his address to the jury, made a very long and somewhat desultory statement, not very materially varying the leading facts as stated on the other side. After referring to the anonymous letters, the defendant contended that they bore out the charge contained in that part of the libel which stated that the plaintiff had made insinuations against his

daughter's reputation. He regretted that he had used some of the expressions contained in his letter, but insisted that his motives were pure. He argued that there was much in the plaintiff's conduct to justify the course he had adopted ; and expressed his determination, whatever might be the consequences to him of this proceeding, not to give any pledge at variance with the obligation which he had entered into.

The jury, after having retired for nearly an hour, returned a verdict for the plaintiff.—Damages 250*l*.

15. SEPARATE MAINTENANCE.—A case long pending came on for final hearing and was determined in the consistorial court of Cloyne. The lady of the rev. Dr. Desmond, of Tallow, sought a separate maintenance from her husband, for abusive and parsimonious behaviour towards her ; and was awarded 90*l*. a-year. One of the charges of parsimony against the learned doctor was, that he raked down the fire at night. The doctor did not go into any defence.

17. OUTRAGE IN PHILADELPHIA.—A strong proof of the public feeling towards the advocates of the abolition of slavery, occurred in this city on the night in question. It was the burning by the mob, if so orderly an assembly may be thus termed, of the hall of the abolitionists, near Race-street. An abolition meeting had been in session for some two or three days, and, as if in scorn of public prejudice, a parade was made of a mingling of colours ; the blacks being seated indiscriminately among the whites or walking in company with them. Much indignation was excited in

consequence of all this, and some windows were broken and other depredations committed on the evening of the first day of the meeting. Things became more serious on the evening of the second; and the mayor and police proceeded to the hall in the afternoon, and prevailed on the members of the convention to disperse. The multitude very soon after assembled, broke open the doors, collected all the combustible materials of the house into the centre, and set fire to it; all being done without disorder or tumult, after the police had been beaten back and the way cleared. No one being willing to come to their aid, the fire very soon got complete possession of the building, and all the city assembled to view the spectacle. There was no noise, no tumult, nor was any attempt made by the firemen to save the hall; it seemed as though it were doomed by common consent; every effort, on the contrary, was made to save, the adjoining buildings, which though in immediate contact, suffered no injury. Not one word was uttered in condemnation of the act; and, the great mass of the community seemed more pleased than otherwise at the result.

20. THE SCOLD'S BRIDLE REVIVED. — At the Mayor's office, Stafford, Mary, wife of Thomas Careless, a perfect termagant, was ordered to pay 1s. penalty, and 7s. 6d. costs, for an unprovoked assault on Mary, the wife of Lewis Bromley. During the investigation her garrulity was so incessant, that the mayor was under the necessity of sending for "the scold's bridle," an iron instrument, of very antique construction, which in olden times

was occasionally called into use. It is formed of an elliptical bow of iron, enclosing the head from the lower extremity of one ear to the other, with a transverse piece of iron extending from the nape of the neck to the mouth, from which projects a flat bit, which enters the mouth, and completely covers the tongue, preventing its movement, and the whole machinery, when adjusted, is locked at the back of the head. The bridle was ordered to be put in thorough repair, and hung *in terrorem* in the mayor's office, to be used as occasion might be.

21. ROBBERY OF 12,000*l.* IN SOVEREIGNS. — At an early hour in the morning information was received at the station-house of Whitechapel division, of a most mysterious robbery having been committed during the previous day, at the residence of Mr. T. Rogers, an extensive bill-broker, residing at 19, Gloucester-terrace, New-road, Mile-end Old-town, when sovereigns to the amount of 12,000*l.* were carried off. It appeared that Mr. Rogers and family left their residence about eleven o'clock on Sunday forenoon, on an excursion, leaving the house in the care of the servant girl, and an aged female who was occasionally employed there. They returned home about one o'clock next morning, and shortly afterwards, on going into the room in which the property had been deposited, in two tin japanned cash-boxes and in a tin deed-box, discovered that they had been stolen. One of the cash-boxes contained 1,500 of the sovereigns, the other the same number, and the deed-box the remaining 9,000, and a ledger, which had also been carried off.

Immediately on receiving the information, inspector Fryer proceeded to Mr. Roger's residence and interrogated the servants, but they both concurred in declaring that no person had been to the premises during the absence of the family. On examining the doors and windows, no traces of a forcible entry having been effected could be discovered, and it was therefore conjectured that the thieves, who, it was evident, must have known where the property was deposited, had secreted themselves the night before in the house, and escaped with the property, by letting themselves out by the street-door after dark. Information and full particulars of the robbery were immediately dispatched by the inspector to all the station-houses and police-offices of the metropolis, and on the intelligence reaching the principle office in Scotland-yard, the commissioners gave orders for the strictest inquiry to be made into the affair.

22. AFFRAY IN LANCASHIRE.—We have to record a serious affray which occurred near Preston, between a party of Irishmen employed on the North Union railway, and some English weavers. The quarrel originated in the refusal of a shopkeeper to continue credit to two Irishmen. The latter suspected a fellow workman of having persuaded the shopkeeper to refuse to trust them; and maltreated an old man, who, they believed, had concealed the workman. They vowed vengeance against all Englishmen, and injured several. A general affray was the consequence. Some hundreds were assembled on both sides, and a regular battle took place. Swords and guns were

used; many were wounded, and one person was killed. The fight was stopped by a detachment of soldiers.

—FUNERAL AND WILL OF PRINCE TALLEYRAND.—A memoir of this celebrated individual, and an account of his death which took place on the 17th instant, will be found in another part of our volume. The funeral which took place on the 22nd was conducted with considerable pomp. The body, after being laid out in state during an hour, was placed in a splendidly-decorated hearse, with all the insignia of the deceased, and at half-past eleven o'clock the *cortège* left the hotel for the church. A detachment of about fifty horse Chasseurs opened the march and was followed by the bands of several regiments of the garrison, playing funeral airs. The hearse followed, amidst a double row of soldiers, extending along the streets of St. Florentine, and St. Honoré, from the hotel of the Prince to the church of the Assumption. At the four corners of the hearse walked Marshall Soult, Count Molé, Chancellor Pasquier, and the Duke de Broglie, and immediately afterwards came the clergy, the ministers, the *corps diplomatique*, the peers, deputies, members of the Institute, and the civil and military authorities, all dressed in their state costumes, and walking uncovered, the relations and friends of the prince, &c. Most of the king's household attended in their scarlet livery. Six of the royal carriages and the equipages of the ministers, ambassadors, peers, &c., came next; and the *cortège* was closed by another troop of horse Chasseurs. The religious ceremony consisted only of a low mass and a few

prayers, which lasted about half an hour. The body was then brought down into a vault, and the church having been cleared, was given in charge to the *sergens de ville*, who were ordered not to let in any body until the funeral decorations were all removed.

From the *Journal de l'aris* we extract the following account of some of the bequests made by the will of Prince Talleyrand. The hotel in the Rue St. Florentin, and an estate in the country, were to go to the daughter of the Duchess de Dino, niece of the prince; the great estate at Valençay, which the prince purchased for 2,500,000 francs, a considerable time before, and which is said to be worth 8,000,000 f., to the Duke de Valençay, son of the Duchess de Dino; a sum of 800,000 f. to the Countess de Talleyrand, wife of Count Alexander de Talleyrand, minister plenipotentiary at Copenhagen. The prince had long ago insured a sum of 500,000 f. to the Duchess d'Esclignac, daughter of his brother, Count Bozon de Périgord. The Duchess and Duke de Dino, and the Princess de Poix, daughter of his brother, the Duke Archambault, who died recently at St. Germain, are his natural heirs. "If Prince Talleyrand," says the same journal, "had many political enemies, he had not a few private friends. Among the number of those who most regret him is, the excellent Viscountess de Laval, mother of the late Duke Mathieu de Montmorency; it was in this lady's house that the prince passed most of his evenings. Their intimacy had stood the test of the shock of political opinions, and of some very warm discussions, without having once altered their friendship during half a century."

24. LAUNCH OF THE BRITISH QUEEN.—This immense steamship, intended to carry goods and passengers between London and New York, was launched from the dockyard of Messrs. Curling, Young, and Co., the builders, at Limehouse. She belongs to the British and American Steam Navigation Company, and is one of the largest ships in the world, her length, it is said, exceeding that of any vessel in the British navy by 35 feet. She has accommodation for 280 passengers. The following particulars of the dimensions, given by the builders, may be thought worth recording.

Length, extreme, from figure-head to taffrail .. ..			275 feet
Length on upper deck .. ..			245 feet
Length of keel .. ..			223 feet
Breadth within paddle-boxes			40 ft. 6 in.
Breadth including paddle-boxes			64 feet
Depth .. ..			27 feet
Tonnage .. ..			1,862 tons
Power of engines .. ..			500 horse
Diameter of cylinders .. ..			77½ inch
Length of stroke .. ..			7 feet
Diameter of paddle-wheels .. ..			30 feet
Estimated weight of engines, boilers, and water .. ..			500 tons
Ditto of coals for 20 days consumption .. ..			600 tons
Ditto of cargo .. ..			500 tons
Draught of water with the above weight and stores .. ..			16 feet

An immense crowd assembled to see the launch; but there was not depth of water sufficient to allow of the ceremony being performed in the usual way; so she was "floated out." The most extensive preparations had been made for the accommodation of the public. The signal being given; the stupendous vessel took leave of her moorings; and as she majestically ploughed her way into the river, amidst the rejoicings of the multitude, the Hon. Mrs. Dawson Damer hurled at her the baptismal offering, and



and christened her the "British Queen."

25. JEWEL ROBBERY.—The following is the second instance recorded, within a short period, of jewellery to a large amount being abstracted without any clue having been afforded for the discovery of the individuals concerned. A month or two prior to the present date, a case of jewels, valued at upwards of 13,000*l.*, belonging to the Duchess of Leinster, were stolen from her grace's residence in Dominick-street, Dublin. Suspicion fell on some persons in a superior rank of life. After many fruitless attempts to recover the casket, it was at length returned through the agency of the police. In the present instance the jewels stolen were worth about 600*l.* They had been conveyed by a servant from the residence of Lady Harriet Dunlop, in Eaton-square, to Lord Roseberry's house in Piccadilly, for the use of the Ladies Primrose, his lordship's daughters, who were to be present at the ball given by the Marchioness of Lansdowne the same evening. The jewels, in four cases, were placed in the dressing-room of these ladies, and were safe at seven o'clock. At nine it was found that the drawer in which they had been placed had been forced open, and the four caskets were gone. The drawer appeared to have been broken open by a knife or chisel; the lock, however, was a very indifferent one, and could very easily be forced. It was considered evident that the robbery must have been committed by some one on the premises.

—. FRANCE.—The trial of Hubert, Steuble, and others, charged with a conspiracy against the King of the French, was terminated on

Friday, May 25. The jury brought in a verdict of guilty against five, and acquitted the three others. Hubert was sentenced to transportation for life; Mademoiselle Grouvelle, Steuble, and Annat, his accomplices, to five years imprisonment; and Giraud to three years. The verdict of the jury excited the most violent uproar among the prisoners, the bar, and the whole auditory. Hubert, drawing a knife, attempted to stab himself, but was disarmed by the two municipal guards seated by his side. The president ordered the guards to remove Hubert, but the accused offered a most desperate resistance, and it was with the utmost difficulty they were at last able to execute the orders of the court. Groans, hisses, and cries of "Murder!" were heard on all sides, and the president was obliged at last to call in the guards, and cause the hall to be cleared before he could pronounce judgment.

27. MURDER AND SUICIDE.—A painful degree of excitement was caused throughout the west end of the town, on the morning of this day, in consequence of the discovery of a most appalling murder and suicide at No. 3, Newman's Mews, Castle-street East, Oxford-street.

The deceased persons were, Mary Conway, a widow, about thirty-five years of age, who occupied the ground floor of the premises in question, and John Parker, a man at least twenty years older, by whom, for some time past, one of the attics had been rented. The female had, during some months, obtained a livelihood by mangling, and the man Parker was paid a trifling sum per week for assisting her. On more than one occasion he had expressed to

her his wish that they should be united, but the affection not being reciprocal, frequent bickerings took place between them, and Parker had been heard several times to declare, that, as she had refused him, she should have no one else. They were together in her parlour on the previous night, apparently in good humour; and about two o'clock on the following (Sunday) morning, some of the lodgers above were a little alarmed by screams from the lower part of the dwelling; they, however, took no further notice of the matter, as such noises there were by no means of rare occurrence; but, as the shutters were, at eleven o'clock, still closed, one of the occupiers of the first floor knocked repeatedly, as loud as possible, at the front parlour-door. No reply being given, the shutter was violently pulled down, and a large quantity of blood was perceptible upon the floor. The police were immediately summoned. They had some difficulty in forcing their way through the crowd of persons assembled, and, on bursting open the front parlour door with their truncheons, they beheld the unfortunate woman lying extended on the floor, her head being nearly severed from her body; her clothes were completely saturated with the blood which had flowed from the wound; and the instrument of destruction, a sharp-pointed dinner-knife, was found by her side. There was also a long deep gash on the upper part of the right cheek, which she had no doubt received while struggling to free herself from the grasp of the murderer. The back parlour, the door of which was locked, was then entered by the police, who, seeing a man in a sitting posture on the bed, with his head

bent forward and resting on the end of the mangle, were about to secure him as the perpetrator of the barbarous deed, when it was discovered that he was the man Parker, who, with a razor, which was found beside him, had terminated his own existence by cutting his throat. On a table in the latter room was discovered a letter, in the handwriting of Parker, in which he stated that the dreadful affair would not have taken place but for the woman's (Conway) love being centered in another person.

28. CORONER'S INQUEST.—MURDER AT LAMBETH.—An inquest was held at the York hotel, in the Waterloo-road, on the body of Eliza Grimwood, a young woman, between twenty-eight and twenty-nine years of age, residing at No. 12, Wellington-terrace, in the Waterloo-road, and who was found in her bed-room murdered, on the Saturday morning previous. The deceased lived with George Hubbard, a bricklayer, and a married man, but separated from his wife. According to the evidence of the surgeon who examined the body, she had been wounded in several places—in the abdomen, and under the left breast—with a sharp-pointed instrument, about half an inch wide in the widest part; but the chief wound, and that which must have caused instant death, was in the neck, extending nearly from ear to ear, and severing the windpipe. Her left thumb was also cut, as if in struggling with her destroyer. It appeared that the deceased was in the habit of taking persons home with her from theatres; and that, on Friday night, at the Strand theatre, she met with an acquaintance, who had the look of a fo-

reigner — tall, pale, with large whiskers, and wore the garb of a gentleman. With this person she entered a cabriolet, and went home, about twelve o'clock. The man was not seen afterwards and how or when he left the house could not be ascertained. Hubbard slept in another apartment. Early on Saturday morning, going out, as he said, to work, he discovered the corpse, lying steeped in blood, and partly undressed, near the door of the half-opened bed-room, on the ground floor. He immediately awakened a commercial traveller, who slept in the house with another woman; and then alarmed the police. Suspicion fell upon Hubbard, partly in consequence of his razor not being found; but it was afterwards found; and, moreover, according to the evidence of the surgeon, the wounds could not have been inflicted with a razor. It was at first thought unaccountable, that neither the persons in two rooms overhead, nor the female servant who slept below, heard the slightest noise. This was ascribed to the instantaneous death, from the nature of the principal wound. The deceased had a purse with ten or eleven sovereigns (which was missing,) also about 20*l.* in a savings bank, as appeared from a bank book found in her room, and a gold watch. She was about twenty-five years of age, good-looking, and of sober habits. The inquiry commenced on Monday, and was resumed at various intervals, in order to afford time for obtaining further evidence, till the 8th of June. We shall, however, give the result under the present date. Meantime crowds of people, according to the wonted English fashion, flocked to see the premises.

The additional evidence pro-

duced strongly confirmed the suspicion that Grimwood's murderer was the man who accompanied her from the Strand theatre the night on which the crime was committed. The principal witness was Catherine Edwin, who was present when that person engaged to meet Grimwood at the theatre. She had herself frequently seen Grimwood and the man together, and her description of his dress and general appearance corresponded very accurately with that given by the cabman who had driven home Grimwood and her companion on the night of the murder. According to this witness, "He was an Italian, but could speak English fluently; and had been acquainted with deceased for months. He was in the habit of going to see her. He appeared to be nearly six feet in height. The deceased had said to witness, on seeing him, 'Here comes my tormentor.' Witness had often met him in the street with deceased. Had heard him ask Grimwood to marry him, to which she returned no answer. This was in a confectioner's shop in Piccadilly. Witness, deceased, and the Italian were in a private room; and after taking off his cloak, he threw off his coat, and, as he did so, something dropped on the floor, which witness picked up. On looking at it, witness perceived that it was a large clasp knife; and, on drawing down a spring, the blade flew open, which was of the width of a thumb nail." Here the witness gave a minute description of the knife.

Grimwood's stays were produced, and the cut on the left breast the witness said might have been made by the Italian's knife; the point of which had been lately sharpened, after having been

broken as she supposed. Grimwood used to speak of this Italian as being "a man of depraved habits." He frequented the neighbourhood of the Spread Eagle, in the Regent Circus. He wore a ring on one side of which the words "Semper fidelis" were engraved. Grimwood gave him that ring. He was not a gentleman, but looked like a thief. He offered to marry Grimwood; and on her refusal declared he would throw her over the bridge.

Maria Glover, who lived in the same house with Grimwood, and said "she knew the deceased's affairs better than anybody else," never heard of her acquaintance with the Italian, or of her having had an offer of marriage from an Italian, or of her having been tormented by one. She did not believe that anybody could have gone down stairs and committed the murder without her hearing him. The deceased never complained of ill-usage from Hubbard. Another witness, Harriet Chaplin, niece to the murdered woman, said that the deceased had told her that Hubbard had declared he would not mind shooting her, and that she had herself seen him strike her when angry.

John Owen, a cooper, living in Cottage Place, Waterloo-road, was examined, in reference to a statement he had made to one of the jurors on the inquest. The substance of this man's story was, that early on Saturday morning he saw a person standing at the door of the house on Wellington-terrace, in light drawers, his shirt-sleeves tucked up to the elbows, and blood on his hands. He heard him say, "Oh, oh! I've done the deed; now how must I escape from it?" Hubbard was produced, but Owen

did not recognise him as the person in the shirt sleeves: he pointed out another person in the room as most like him. Owen had been to the house where the murder was committed, to try, as he said, "to raise a little money upon some security." This man's appearance was thought to denote insanity, though he said he could produce "respectable references" as to his being in his competent senses. He was very reluctant to take the oath, and said it was his objection to do so which had prevented him from coming forward at first. On further examination, Owen was proved to be unworthy of credit. Many other witnesses were examined, but no progress was made towards the discovery of the murderer. A policeman stated, that he had been with the witness Edwin to Regent Circus, and to the pastrycook's shop in Piccadilly, but could obtain no clue to the person described by Edwin. Charlotte Rosedale, who kept the shop, recollected that a person answering the description of the supposed murderer went into a back-room with two females; she did not hear the conversation, or the knife drop, but her shop was full of people, and she did not pay much attention to the persons in the back-room. The girl Edwin re-stated her evidence with perfect coolness and accuracy. Many particulars of no interest were detailed.

The coroner minutely summed up the evidence, and the jury returned a verdict of wilful murder against some person or persons unknown.

— BLOWING-UP OF THE BRIG WILLIAM, OFF GRAVESEND. — At an early hour this morning Col. Pasley and a party of his men of the royal Sappers and Miners,

again, for the third time, commenced their operations for the explosion. The wind and weather were very favourable. At three o'clock everything was in perfect readiness; the two large leaden cylinders, containing a ton weight of gunpowder each, were placed underneath the bulwarks of the brig, and the flexible leaden pipe containing the fine powder hose, was also fixed, and the upper end secured to a red buoy, shaped like a punt. Precisely at twenty minutes to four o'clock the signal was given to fire the train, leading to the gunpowder cylinders, from Tilbury Fort, by hoisting of red flags. All craft that was near the wreck proceeded to a great distance, and to a place of safety, with the exception of a cutter containing a party of miners, with their oars in their hands. One stood at the stern of the boat, with a lighted taper, and when the gun was fired he set fire to the fuse, which burnt for five minutes brilliantly, at the expiration of which period the explosion took place. In the interim the miners had rowed away, and attained a considerable distance from the wreck, and out of danger. The effect of the explosion was distinctly felt all over the town of Gravesend, and likewise at the adjacent places, Milton, Grays, and Northfleet. The appearance from the shore, where no less than 7,000 persons had assembled, was exceedingly grand and difficult to describe. Instantly the powder in the cylinders ignited, a head of water, in the shape of a dome, and above 800 feet in circumference, was forced to the height of seventy feet. From that was discharged a dense black vapour, and remains of the wreck, masts, timbers, planks, &c., were

completely blown out of the water to some distance. Great cheering took place by the assembly on shore after the explosion, and innumerable boats put out to the spot to view the remains of the wreck, which were picked up by the fishermen and watermen of Gravesend.

28 to 31. RIOT AT BOUGHTON.—A disturbance of an extraordinary and very serious character, which was only quelled with the loss of several lives, occurred near Canterbury, and excited, both in that neighbourhood and throughout the kingdom, the greatest astonishment and sorrow. A person calling himself Sir William Courtenay, but whose real name was John Thom, a native of Cornwall, and the same who rendered himself conspicuous in the neighbourhood of Canterbury some years previous, had been recently released from confinement in a lunatic asylum, where he had been placed after his conviction for perjury committed by him in a smuggling case. It was believed that Courtenay was harmless, though eccentric: and his behaviour in the asylum was composed and quiet. Since his release he had been living with and among the farmers of the neighbourhood of Boughton, who supplied him with some money as well as food. He repeated his old stories of being a man of high birth, and entitled to some of the finest estates in Kent. Being a remarkably handsome man, and very eloquent and fascinating in his manner, he persuaded numbers of the farmers and yeomanry, that the time was at hand when he should be a great chieftain in Kent, and that the people then should live on his estates without rent. For some days previous to the

unhappy occurrences we are about to record, Courtenay had been living amongst the peasantry, gaining subsistence at several houses, in return for which he made long and inflammatory speeches to the mob of the neighbourhood, and promised them that if they would follow his advice they should have good living and large estates, as he had great influence at court, and was to sit on her majesty's right hand on the day of the coronation. He represented to them that they were oppressed by the laws in general, but more particularly by the new poor-law; and called on them to place themselves under his command. Nearly 100 of the most determined characters joined him, and marched about the various parishes, inviting other labourers to join them. Courtenay, or Thom, had represented himself to them not only as a political, but also as a religious reformer. He blasphemously styled himself the Saviour of the world, and to convince his followers that he was so, pointed to certain punctures in his hands as those inflicted by the nails of the cross, and to a cicatrice in his side as the wound out of which issued blood and water. He also represented himself as invulnerable to steel or shot.

On Monday, May 28th they sallied forth from the village of Boughton, where they bought bread, and proceeded to the house of one of the party, near Fairbrook. A loaf was broken asunder, and placed on a pole, with a flag of white and blue, and a rampant lion. Thence they proceeded to Goodnestone, near Feversham, producing throughout the whole neighbourhood the greatest excitement, and adding to their

numbers by the harangues occasionally delivered by this ill-fated madman. At this farm, Courtenay stated that "he would strike the bloody blow;" and they made an ineffective attempt to set fire to a bean-stack. They next proceeded to a farm at Hernehill, where Courtenay requested the inmates to feed his friends, and the request was immediately complied with. Their next visit was at Dargate-common, where Sir William, taking off his shoes, said, "I now stand on my own bottom." By his desire, his poor deluded followers then fell on their knees, and he prayed for half an hour; they then proceeded to Bossenden-farm, where they supped, and slept in the barn. At three o'clock on Tuesday morning they left, and proceeded to Sittingbourne to breakfast, where Sir William paid 25s. After visiting Newnham, Eastling, Throwley, Seldwich, Lees, and Selling, occasionally addressing the populace, and holding out to them such inducements as are usually made by persons desirous of creating a disturbance, they returned to Bossenden farm on Wednesday evening. A farmer under the hill, having had his men seduced from their employment, at this time made an application for their apprehension, and a constable of the name of Mears, assisted by two others, proceeded on Thursday morning (the 31st) to execute his mission. After a little parley, Courtney inquired which was the constable, and on Mears replying that he was, he immediately produced a pistol, and shot him, after which he inflicted a wound upon him with a dagger; with the assistance of some of the excited labourers



he then threw the body into a ditch. The two other constables immediately rode back to the magistrates, and mentioned the facts. The country was now in a state of great alarm and excitement, and it was deemed expedient to send to Canterbury for a party of military, who soon arrived, accompanied by several magistrates. By this time the whole body of rioters had retreated to a deep and sequestered part of Bossenden wood, where Sir William shouted and encouraged his adherents to behave like men, and excited them to desperate fury. On perceiving the soldiers, he advanced with the greatest *sang froid*, and deliberately shot, before the men, Lieutenant Bennett, of the 45th regiment, who was in advance of his party, and who fell dead upon the spot. The soldiers then immediately fired; Sir William was one of the first killed; as he fell he exclaimed, "I have Jesus in my heart." In a few moments ten lives were sacrificed, and several rendered cripples for the remainder of their days. An inquisition on the body of Nicholas Mears was held on the Thursday and Friday following, and the jury returned a verdict of wilful murder against William Percy Honeywood Courtenay (*alias* John Nicholl Thom), and five others, of whom one was dead.

On Saturday the 2nd of June an inquest was held on the body of lieutenant Henry Boswell Bennett, and the jury returned a verdict of wilful murder against Wm. Courtenay, and eighteen of his followers. Of these, eight besides himself were dead, and two severely wounded. Of the rioters altogether eight were slain out-

right, and seven wounded—two of them mortally. Of those who opposed them in support of the law, two were killed and one wounded. Twenty-three prisoners were committed to Feversham gaol.

On Monday the 4th of June an inquest was held on the body of George Catt, who was shot in the affray, on Courtenay, *alias* Thom, the unhappy cause of all this melancholy loss of life, and the eight other dead rioters. In all the cases verdicts of justifiable homicide were returned.

Courtenay was buried on the Tuesday following, at Herne-hill. There were some apprehensions of disturbances, and the funeral ceremony was hurried over. The officiating clergyman omitted that part of the funeral service which relates to the resurrection of the dead,—afraid, apparently, of encouraging the prevalent belief among Courtenay's ignorant followers of his speedy resurrection.

Numerous particulars were given, on good authority, which proved the fanatical belief of the peasantry in Courtenay's divinity. One woman sent her son to join him with a "mother's blessing;" and would not believe, till she saw her son's broken thigh, that anybody who followed "Sir William" could be hurt; and even after she had seen Courtenay's corpse in the coffin, she said that her son had gone forth "to fight for his Saviour." On the Thursday morning, after he had killed Mears the constable, Courtenay took his sword and hacked the body of his victim, exclaiming, "Now, am I not your Saviour?" He administered the sacrament—in bread

and *water*, to his followers in the wood before the battle, and harangued them. He told them on this occasion, as he did on many others, that there was great opposition in the land, and indeed throughout the world, but that if they would follow him, he would lead them on to glory. He told them he had come to earth on a cloud, and that on a cloud he should some day be removed from them; that neither bullets nor weapons could injure him or them, if they had but faith in him as their Saviour; and that if ten thousand soldiers came against them, they would either turn to their side or fall dead at his command. At the end of his harangue, Alexander Foad, a respectable farmer, and one of Courtenay's followers, knelt down at his feet and worshipped him; so did another man of the name of Brankford. Foad then asked Thom whether he should follow him in the body, or go home and follow him in heart. To this Thom replied, 'Follow me in the body.' Foad then sprung on his feet in an ecstasy of joy, and with a voice of great animation exclaimed, 'Oh be joyful! Oh be joyful! The Saviour has accepted me. Go on—go on; till I drop, I'll follow thee!' Brankford also was accepted as a follower, and exhibited the same enthusiastic fervour. Courtenay uttered terrific denunciations of eternal torture in hell-fire against all who should refuse to follow him. To some he pretended that he was two thousand years old. He fired a pistol, said to be loaded with ball, against his own body, and a party of his followers, without injury. He put some lighted matches under a corn-stack; but the stack

did not take fire, because as Courtenay said, and his companions believed, he had commanded it not to burn. He shot at a star with his pistol, and his followers declared that it fell into the sea. After he had fallen, a woman was seen washing his face, and endeavouring to pour water through his lips, as he lay on the ground. She said that she had followed him for more than half a mile with a pail of water; because he had told her, that if he fell, and she put water between his lips, he should rise again in a month. One of the prisoners told Major Armstrong, that they would have attacked two thousand soldiers, having been persuaded by Courtenay, that they could not be shot. The delusion of his followers was so great that for some time after his death they actually expected him to rise again, as he had promised. No further attempt however, to disturb the public peace was made—and the country speedily resumed its usual tranquillity.

31. THUNDER STORM.—About eight o'clock in the evening, a thunderbolt entered the front room window, which was open, of a house in East-street, Lambeth-walk. A woman named Landsdowne, her daughter, and a young man were at work at the time, and were all struck by the electric fluid; which passed through the stairs, shivering the wood into a thousand pieces, and thence through the wall into the next house, in which four children were sleeping; the whole of these persons, however, escaped without the slightest injury. Mrs. Landsdowne was struck on the head. Both houses were much damaged.

→ DECISION OF THE GENERAL

**ASSEMBLY OF THE CHURCH OF SCOTLAND.**—The General Assembly of the Church of Scotland, in the session which had recently closed, passed a resolution, by a majority of 183 to 142, virtually declaring that the church as established by the state, is independent of the state. The question arose out of what is called “the Auchterarder case;” of which the following is a concise statement. A few years ago, the General Assembly gave the male heads of families in full communion with the church a veto on the induction of a minister. The Earl of Kinnoul presented Mr. Young to the parish of Auchterarder; but the majority of the male communicants rejected him by exercising the veto. As the veto act proceeded exclusively from the General Assembly, and was not ratified by Parliament, the earl and Mr. Young brought an action in the Court of Session against the Presbytery; in which the court ultimately decided, that the veto act had no force in law; that Mr. Young had right to the parish, and the earl to the emoluments, until the Presbytery should induct him in due form. The Assembly, on the present occasion, resolved that it would regard any application to a civil court by its members, for the purpose of setting aside its self-made laws, as a breach of ecclesiastical discipline, and would proceed to censure, and deprive of his office, the individual who should thus dare to call in question the power of the church, and to claim the protection of the civil court against its authority. Mr. Young had intimated to the Presbytery of Auchterarder, that if they refused to take him on trial, in terms of the decision of

the Court of Session, and to admit him to the church of that parish, he would hold them personally and individually liable in damages. The Assembly resolved to call him before them to answer for this offence.

— **LEGACY TO THE DUKE OF GOTHA.** — A secret, which long excited the public curiosity, was about this time divulged. The late Joseph Grassi, professor of painting at the Royal Society of Fine Arts in Dresden, had in his apartment, beside his bed-room, a room, the door of which was always covered with hangings, and into which, since his return in 1804, from his last tour in Italy, no one had been allowed to enter, not even his children. He always carried the key of it about his person; put it under his pillow when he went to bed; and, by way of precaution, caused the door of this mysterious chamber to be built up in 1835. In his will, M. Grassi ordered that this chamber should not be opened for three months after his death, and bequeathed all its contents to Duke Augustus, of Gotha; stating, that if he had not communicated to any one what it contained, it was to give an agreeable surprise to this prince, who had been his benefactor. This room being opened by the executors of M. Grassi, there were found in it seventeen pictures of the most famous ancient painters. The duke took possession of them, and placed them in one of the saloons of the Royal Academy at Dresden, to be there publicly exhibited for three months. After which they were to be sent to Gotha, and placed in the ducal museum of that town. Among them are a Titian, a Carlo Dolci, a Salvator Rosa, and a Correggio.

## JUNE.

7. In the House of Lords, in the writ of error, Wright *versus* Tatham, Lord Brougham, after stating the opinions of the judges, said, he thought the evidence of the letters had been properly rejected. He should therefore move, that the judgment of the court below should be affirmed. The Lord Chancellor and Lord Denman concurred, and the judgment was affirmed. This decision finally confirmed Admiral Tatham in possession of the estates which had been so long the subject of litigation.

9. MANSLAUGHTER.—A curious case of manslaughter occurred in the neighbourhood of Alderley, in Cheshire, last week. William Coops, a child only seven years old, threw an egg which he had taken from a bird's-nest, and which had a live bird within it, at William Pearson, twenty-five years old; who said, "he would make the little devil eat the egg." Accordingly, he thrust it down his throat. The child ran home; was taken very ill, and in a few days died of a gangrene in his throat. Pearson was sent to Chester Castle, on the verdict of a coroner's jury, to be tried for manslaughter.

CASE OF DEER SHOOTING.—This was a case of deer-shooting, brought by the Procurator-Fiscal, before Mr. Sheriff Anderson, against Alexander Robertson and Donald Stewart, Invervack. These individuals were charged on the statute of James VI., King of Scots, ch. 59, entitled "Slayers of wilde beasts committes theft," having lately, in the Atholl deer forest, near Glenhanvie, in the occupancy of Lord John Scott,

slain or shot a hart without license or allowance of the owner. An objection was taken that the act founded upon was now in desuetude, and that the crime libelled was not theft by common law. Mr. Sheriff Anderson intimated his opinion, and sustained the objection. It was decided that the panels should appear at the bar and be assoilzied, *pro forma*. Although the crime libelled is not theft, yet it was in the power of the Fiscal to bring the panels to the bar upon other acts of Parliament, having a more pointed reference to the case.

11. COMMITTAL OF HUBBARD.—William Hubbard, who lived with the woman Grimwood, whose murder we recorded under the date of May 28, was committed to Horsemonger-lane prison, in consequence of a letter sent to the police, subscribed "John Walter Cavendish," and dated from Goswell-street. The writer professed that he was the person who accompanied Grimwood from the Strand theatre on the night of the murder; and that while he was with the woman, Hubbard came down stairs, broke in upon them, and, in a storm of rage, particularly directed against the unhappy woman, turned him out of the house. The police made a diligent search for the writer of this letter, in Goswell-street and the adjoining districts. At last, finding that it was post-marked at "Highbury," by the help of the person who kept the post-office there, they traced the authorship, as they believed, to Mr. M'Millan, junior, who was, in consequence, ordered to attend on the following Tuesday, when Hubbard was again examined.

In the meantime two other let-

ters were received by the magistrates, in both of which the writers (of different names) declared themselves the true murderers, and demanded the release of Hubbard. All these letters appear to have been hoaxes, though the object of the writers, in thus misleading the magistrates, is difficult to understand. The letter signed "John Walter Cavendish" was characterized by the magistrates as a malicious fabrication. Mr. M'Millan, of Highbury positively denied being the author of it, and there seems to have been no sufficient reason for suspecting him.

A foreigner was taken up, and kept in durance for a short time, in consequence of a resemblance to the "whiskered Italian" mentioned by the girl Edwin. The only evidence against him was founded on his whiskers. At a public meeting of the inhabitants of Lambeth parish, it was agreed to offer a reward of 50*l.* for the apprehension of the murderer. After a week's detention, Hubbard was released from prison, there being no evidence to fix upon him the guilt of the murder. The mob manifested, however, so great a disposition to assail him, that the magistrates were obliged to take measures for effecting his discharge in the most private manner possible. He subsequently went off to America.

13. SALE OF GRIMWOOD'S EFFECTS.—A sale of Grimwood's effects took place on this day, at the premises in Waterloo Terrace, which were crowded by persons anxious to see the "bloody floor," and relics of the murdered woman. It is said, that her watch and seals sold for 80*l.*; this, if true, would seem to prove, that the extraordinary appetite for the marvellous

and the horrible displayed on this and similar occasions, is not altogether confined to the lowest and most ignorant class of society in this country.

— SMALL *v.* ATTWOOD. — During the last week the following judgment was pronounced in the case of Small and Attwood.— "That the sum due to Mr. Attwood for costs, being 9,766*l.*, be paid to him within a week after the service of the writ of execution of this order; that the 32,050*l.*, being the remainder of the four instalments due up to November, 1832, and the sum of 460,279*l.*, being the sum admitted to have been realized to September 1834, out of the stock transferred to the plaintiffs, be also paid to the defendant; and that, upon the plaintiff's application, to be allowed two months for the payment of the two last-mentioned sums, it be further ordered that the plaintiff have such time for the payment of those two sums, but that those sums be paid, with interest at 4 per cent., from the date of this order."

13. DEATH BY LIGHTNING.—An inquest was held on the body of Harriet Skipworth, aged ten years, who was found dead on the high road in the parish of Halton, near Spilsby. It appeared that the deceased had taken a tin bucket to water a mare having a foal, and had turned it over her head to keep off the rain, when a splendid coruscation, resembling a rocket, or pyramid of fire, was observed, which was instantly followed by a most tremendous clap of thunder, and the child was seen to fall. Upon going to ascertain the cause, some men found that life was extinct, deceased having been struck by the electric fluid; the concus-

sion was so great that it was felt a considerable distance round by labourers at work, who were thrown against each other. Upon the coroner and jury going to view the body, they found the chin and the right side of the child considerably scathed and blackened, and her clothes rent.

**14. RIOTS AT LISBON.** — Accounts from Portugal mention some disturbances as having taken place on this day in Lisbon. The king with the ministers and others, were engaged in the solemn ceremony of the procession of Corpus Christi, when they were attacked by a mob in the streets. Stones were thrown, and threats uttered by the populace; who called upon the band to play the Hymn of the Constitution of 1820; which demand was complied with. One of the insurgents thrust a bayonet into the carriage of Viscount SA DA BANDEIRA, and wounded him in the arm; when a detachment of cavalry came up, dispersed the rioters, and reestablished order. The next day, a proclamation appeared disbanding several battalions of the national guard, who would not interfere to put down the disturbance, but rather encouraged the rioters.

— **STEAM BOAT EXPLOSION.** — Another dreadful accident happened on board the Victoria, Hull steam-ship, the same vessel in which the boiler burst in the month of March previous in Erith-reach, when five persons were killed. The Victoria left Hull on Wednesday the 13th, and arrived off Blackwall on Thursday afternoon. At a short distance from the London Docks entrance, she ran foul of a collier brig, carried away the brig's bowsprit, and had her own starboard paddle-box stove in.

The captain ordered the engines to be stopped; and immediately a tremendous explosion took place. One of the boilers had burst, and the vessel was enveloped in a cloud of steam.

The passengers, ninety-seven in number, were taken off by boats; and all escaped, though in their haste to quit the vessel they ran great risk of being drowned by the upsetting of the boats. Several men belonging to the steam-ship, though it was their duty to help the passengers, who were screaming, fainting, and shouting for aid around them, were among the first to lower themselves by ropes and get off. The whole of the deck was covered with hot water and ashes. The vessel took fire, and several of the crew were employed in pumping water into the hold. The boilers, that were not burst, were red hot. The bodies of four engine-men were found, scalded in a most dreadful manner, and quite black. Seven others were much injured; four were taken to the Dreadnought hospital ship, and three ashore to their own homes. Of the wounded, six afterwards died. The commander of the vessel, Captain Bell, exhibited courage and coolness when the explosion occurred; and to his exertions it was principally due that the passengers got off in safety. There was a prompt attendance of medical men from the shore. The boiler-room and parts adjoining, were locked by the captain till they should have been inspected by a coroner's jury. The captain said that he had all day experienced difficulty in getting steam.

**15. ARCHES COURT.** — Sir H. Jenner gave sentence in this case, which had been argued on the previous court-day. It was a



cause of office promoted against the Rev. Mr. Jenkins, minister of the parish of St. Bride's Major, in the county of Glamorgan, for the crime of drunkenness, and using obscene and indecent language. The articles charged the defendant with habitual drunkenness almost from the commencement of his institution to the living, on the 19th of November, 1834. One part of the charge, that of using obscene and indecent language, had not been pressed against him, and the court dismissed that from its consideration. The proceedings seemed to have originated in a transaction which took place on Sunday, the 4th of July, 1836, with respect to which two witnesses had been examined, the Rev. Mr. Morgan and a Mr. Jackson, who were present at the transaction, in which the conduct of Mr. Jenkins appeared to have been of a highly disgraceful character—the Rev. Mr. Morgan and Mr. Jackson not being absolutely without blame. This affray, for such it was, was communicated to the Bishop of the diocese (Llandaff,) who directed an enquiry into the particulars, which was conducted by the rural dean, a neighbouring clergyman, and a respectable magistrate of the county. The result of the enquiry was such as to render it imperative on the Bishop to take some notice of the transaction, and at the visitation, 26th of September, 1836, his lordship very strongly animadverted upon the conduct of Mr. Jenkins, as having disgraced himself and the office he held, and caused a scandal to the church, and he enjoined him to be more circumspect in his future conduct, and to set a better example to his parishioners. It might

have been expected that such a serious admonition by the Bishop in presence of the clergy, would have produced some impression on the mind of Mr. Jenkins. Unfortunately it failed of such purpose, for a very short time after this public reprimand, he relapsed into his habit of indulging in liquor. (On the 8th of October (the admonition having been given on the 26th of September) Mr. Jenkins was seen in a state of intoxication in a public-house at Bridge-end, on a market-day, a number of persons being assembled there, his conduct creating great scandal, offering to fight the rev. Mr. Davies; the language he made use of being most disgraceful to his character. There was, likewise, abundant evidence to show that his general habits, if not accompanied by expressions so gross as on the particular occasion referred to, were all precisely of the same character; that Mr. Jenkins was inveterately addicted to those habits, and was thereby rendered incapable of discharging his clerical duties with benefit to those who were under his care. The result of the enquiries made by the bishop, previous to proceeding against him, had been to make it evident that during the whole time he had been in possession of the living, Mr. Jenkins's conduct and habits had been of a similar description. Even in the performance of divine service he was in such a state as to be scarcely able to go through the duty. The number of attendants at church had, in consequence, been very seriously diminished, and many of the parishioners had declined to receive the sacrament from the hands of a person who had so conducted himself. This being brought to the knowledge of Mr.

Jenkins, he employed the rev. Mr. Morgan to officiate for him on some of these occasions. No attempt was made, on behalf of Mr. Jenkins, to deny the fact alleged, but it was insinuated that though there were other clergymen in the neighbourhood who indulged in the same habits, he had been alone selected on account of his political sentiments. It was urged that he was exceedingly nervous and excitable; that a small quantity of liquor had a great effect upon him; and that what had been supposed to be the effect of liquor, had been nothing but excitement produced by other causes. To this it was answered, by the learned judge, that whatever were the motives of those by whom the representations were conveyed to the bishop, it was impossible that such conduct as that of Mr. Jenkins's could pass unnoticed. After the admonition he received from the bishop, if he was liable to be affected by a small quantity of liquor, he ought to have abstained altogether from the use of it. But from the facts deposed to, it appeared that he neither could nor did abstain even from *more* than a moderate quantity of liquor. It was, therefore, idle to say that these proceedings had been carried on with feelings of a vindictive kind against Mr. Jenkins, and the sentence of the court was, that Mr. Jenkins be suspended from his office, and also from the receipt of the profits of his living, *ab officio, et beneficio*, for three years, and further, until he produce the certificate of three beneficed clergymen as to his good conduct during that time; and, as a necessary consequence, that he be condemned in the costs of these proceedings.

UNPRECEDENTED SPEED AND

DESPATCH.—The Finn Mac Coull steamer landed at Liverpool during this week, from the port of Dundalk, three large cargoes of cattle, and returned with three cargoes of goods from Liverpool to Dundalk, within the six days, having been every day during the week at Dundalk, and every day at Liverpool. Dundalk is 138 miles from Liverpool; the longest voyage was performed in twelve and a half hours, and the shortest in eleven. She steamed, altogether, 828 miles in seventy-one hours! This is, we believe, after all the recent feats and wonders of steam navigation, one of the most extraordinary.

19. THOMAS ROGERS'S BANKRUPTCY—The first meeting of the creditors under the fiat issued against Mr. T. Rogers, bill-broker, took place on this day for the proof of debts, and the choice of assignees. The bankruptcy of Mr. Rogers was attributed by himself to the loss of 12,000 sovereigns, which, it will be recollected, were said to have been stolen from his house some time since. The bankrupt underwent an examination before the commissioner, who was so much dissatisfied with the explanations offered, that he adjourned further proceedings to a subdivision court, in which he was assisted by two additional commissioners. The bankrupt in reply to the questions put to him by the council on behalf of the estate, stated, that he carried on business as a merchant as well as a bill-broker. That for two years before the 19th of May, he had contemplated entering into a speculation in Russian produce, and that he had accumulated for that purpose 12,000*l.* in sovereigns. The sovereigns were kept in two cash-boxes and a deed-box. The ledger

which was in the latter, was perfect on the 19th of May. The boxes were secured by locks, one of them being a patent Bramah. The money he saw safe on the morning of the 19th of May, having put 500 sovereigns in the box that day. About 5,000 of the sovereigns were accumulated last year, and the remaining 7,000 this year. The bankrupt proceeded to reply to various questions relative to the rooms in which he had slept, stating that he had kept the door of his room locked, but that the door of the room in which the money was deposited was not always locked, as he had greater need to protect his and his wife's life than the money. The deed-box after the last five hundred sovereigns were put in, weighed, he thought one hundred weight and a-half. He left a servant girl and her mother in charge of the house and the sovereigns on the Sunday evening before the robbery. He had not looked, before going to bed in the evening before the robbery was discovered, if all the money was safe. He was awake about one o'clock by the police, and he then went to the cupboard to see if the sovereigns were safe. The boxes were gone. He did not go to any police office on the following morning, nor had he caused any intimation to be given. He had not gone to business for two days after the robbery, nor had he made any inquiries of the police-officers who called, and told him one of the boxes had been found. The 12,000 sovereigns had been collected by bills which had run out, and other property.

Debts to the amount of 4,750*l.* were proved during the proceedings. One proof was for 2,980*l.*,

made by the bankrupt's sister-in-law.

The Commissioners being not satisfied with the answers postponed the further examination of the bankrupt, for the purpose of hearing and receiving the examination of witnesses relative to the alleged robbery. Among the witnesses examined on this occasion were, the superintendent, the inspector, and three of the constables belonging to the H. division, together with Lea, the officer at Lambeth-street; and their testimony went far to show the strong improbability of a robbery having been committed at all. The court was ultimately adjourned for the purpose of hearing other witnesses on a future day, it being the intention of the commissioners to make the most searching inquiries into the matter. Large handbills were posted at the East-end of the town, offering a reward of 1,000*l.* for the recovery of the property, and threatening all persons who should wilfully conceal any part of the bankrupt's property with the severest penalty of the law.

19. MURDER AT WITHINGTON, NEAR MANCHESTER.—We have to record a most brutal and daring murder, which was committed on this day at Withington, about four miles from Manchester. The unfortunate person who met with this melancholy fate was a poor woman named Mary Moore, wife of a bricklayer, at Withington. She was employed by Mrs. Ann Chorlton, Dog-house, Withington, as a market-woman, and left home in the morning at an early hour, to attend Smithfield-market, Manchester, with fruit and vegetables. She was last seen on her way home along Moss-side-lane, leading from Hulme to Withington

at about two o'clock in the afternoon, rather less than half a mile from the house of her mistress; and her body was found on the following evening, in a ditch communicating with a small pond, in a clover field opposite to the end of Dog-house-road, leading from the Moss-side-lane to Mrs. Chorlton's residence. She was found nearly covered with water, lying on her face, and had two wounds on the scalp of the right side of the head. One of these wounds was a little above the right ear, and appeared to have been inflicted with a heavy blunt instrument. The skull was fractured. The object of the inhuman murderers seemed to have been to obtain possession of her money, and from her market pocket, which she wore under her apron, it was supposed they had carried off nearly 3*l.*, being about the money she would have taken that day at market. Her private pocket, under her dress, in which was 9*s.* 2*d.* of her own money, escaped their notice, and this money was found upon her; but they had taken away the umbrella and reticule.

Four men who had been observed between the hours of twelve and two on the day in question playing at pitch and toss near the end of the lane leading to Dog-house, were apprehended on suspicion of their being concerned in the murder, but on examination nothing was proved to implicate them.

21. EXCHEQUER. — *Emmett, v. Norton.* In the Court of Exchequer an action to recover the amount of a bill alleged to be due from the hon. George Norton to Emmett and Co., livery stable keepers, for carriages and horses supplied to Mrs. Norton, came on for trial. The whole amount the plaintiffs sought to recover was 142*l.*, for a period of ten months,

from March 1837 to January 1838. Mr. Norton had paid 73*l.* into court, and refused any further payment; on the ground that the sum was quite as much as a person of his income could afford his wife for ten months' coach-hire. It appeared that Mrs. Norton, who was living in Bolton-street with her uncle, Mr. Sheridan, had frequently visited her husband at the Lambeth-street office, and her children at Mr. Norton's residence, in hired carriages. On one occasion Mr. Norton pushed her out of the house. Mrs. Norton had been in delicate health, and required carriage exercise. She frequently went with her sister, Lady Seymour, or her brother, Mr. Sheridan, to parties at Blackwall, Richmond, and Greenwich. Mr. Norton's net income was not more than 1,200*l.* a-year; out of which he allowed his wife 400*l.* a-year; and she had a pension of 50*l.* a-year herself. Attempts had been made to reconcile the parties; and letters from Mr. Norton were read, in which he addressed his wife in terms of affection.

Lord Abinger left it to the jury to say whether, under the circumstances of the case, Mr. Norton ought to pay 142*l.* for ten months' coach-hire for his wife, and whether that was a proper expenditure considering their circumstances.

The late Dean Swift, observed his Lordship, in his Advice to Servants, told the butler, as his master had 1,000*l.* a-year, he ought to see that he spent it all in wine; and so on through the whole corps of domestics, who were each and all recommended to spend the whole amount of their master's income. If this maxim were to be put in force between the plaintiffs and Mr. Norton, the result would be ruin-

ous to the latter gentleman.—Verdict for the defendant.

25. STORM IN THE NORTH.—On Monday, the town of Preston and neighbourhood were visited by a violent and destructive storm. The rain was continuous from one o'clock until six; and the rivers and streams became so swollen, that many overflowed their banks, and laid the lands under water. Two labourers were killed by the lightning near Garstang, and several houses were shattered at Preesall. A man was also killed at Longton; in the neighbourhood of which great damage was done by the inundations, the crops being completely under water, and the gardens almost swept away. In the neighbourhood of Mawdsley and Croston, bridges were carried away, embankments thrown down, trees and hedges uprooted, and the highways over which the torrent passed completely unpaved.

27. FIGHT BETWEEN ENGLISH AND IRISH LABOURERS.—Early on Wednesday morning, a desperate affray occurred between a large party of English and Irish haymakers, in a field near Hillingdon, on the Uxbridge road, and which, in all probability, would have been attended with the loss of lives, had it not been for the arrival of some English mowers. It appears that a number of Irishmen were proceeding on the road to London, when they met a small party of English. The Irish commenced a savage attack with their sticks on the English, and from their number beat them most unmercifully. During the conflict, two Englishmen received stabs with a knife from their savage assailants, but fortunately not of a very serious description.

28. CORONATION OF HER MAJESTY.—This event, which, from

the age and sex of the Sovereign, excited an extraordinary degree of interest among all classes, took place on the 28th of this month. According to the statement afterwards made in the House of Commons, no less than 400,000 persons came into London to be present on the occasion, and upwards of 200,000*l.* was in consequence expended.

The coronation of Queen Victoria was conducted in most respects after the abridged model of that of her immediate predecessor; the walking procession of all the estates of the realm, and the banquet in Westminster Hall, with all the feudal services attendant thereon, being wholly dispensed with; not, however, without many complaints and various public struggles, as well on the part of the antiquaries, as on that of the tradesmen of the metropolis.

To meet in some degree the general wishes expressed for a coronation more stately than the last, the exterior cavalcade was increased in splendour and numbers, and a much more extended line of approach was adopted. It was thus brought to resemble, still more closely than on the former occasion, the procession through the metropolis which was formerly considered a necessary part of the solemnities of the coronation, but which was last performed by King Charles the Second. The main difference was, that the modern procession was not through the city of London, but through that of Westminster, a city now much larger, and far more magnificent than ancient London. The utmost eagerness was shown to furnish all the accommodation for spectators that the space would allow, and there was scarcely a house or a vacant spot along the whole line

from Hyde-park corner to the Abbey, that was unoccupied with galleries or scaffolding.

The morning of the eventful day — Thursday the 28th — dawned rather inauspiciously; a cold slight shower fell about eight o'clock, and seemed to bode threateningly; but, happily, it cleared off as the time for the starting of the procession advanced; and the sun shone on the ceremonial pomp throughout the day, only pleasantly veiled by a canopy of cloud.

At dawn the population were astir—roused by a salvo of artillery from the Tower; and towards six and seven o'clock chains of vehicles of all sorts and sizes lined the roads leading to the Western parts of the metropolis; and streams of pedestrians, in holiday attire, poured in continuously; the suburbs seemed to have emptied themselves of all their residents at once.

The sight of such throngs of people proceeding in the same direction, converging from various lines on one point, and all animated with eager curiosity, was very striking. The streets, before the barriers were closed, presented a very lively spectacle: having been gravelled in the night, and being lined with soldiers and policemen: they were traversed by multitudes of well-dressed persons on foot and in carriages, all in motion, with no little crowding and confusion; while the windows and seats were alive with the arrival of eager spectators.

As nearly as possible to ten

o'clock, the head of the procession moved from the palace. When the Queen stepped into her carriage, a salute was fired from the guns ranged in the enclosure, and the bands struck up the national anthem; a new royal standard (measuring 30 feet by 18) was hoisted on the marble arch, and as the cumbrous state-coach emerged from under the gateway; the cheering was general and hearty. The only novel features of the procession were the equipages of the foreign ambassadors extraordinary, which were all new for the occasion, and very superb; the Yagers, in their splendid uniforms, being most conspicuous. The most striking and elegant coach was that of Marshal Soult. He had brought to England the frame of the carriage used on occasions of state by the last great prince of the house of Condé, the father of the Duc de Bourbon, and had caused it to be ornamented anew with the utmost resources of art. But the grand attraction was the white-haired veteran himself, who was greeted along the whole line of procession, and also in the Abbey, with the most cordial cheers. The procession moved in the following order, (the whole being under the direction of the Master of the Horse, the Earl of Albemarle), up Constitution-hill, along Piccadilly, St. James's-street, Pall Mall, Cockspur-street, Charing-cross, Whitehall, and Parliament-street, to the west door of Westminster Abbey.

Trumpeters.

A squadron of Life Guards.

Carriages of the Foreign Resident Ambassadors and Ministers, in the order in which they take precedence in this country—

Carriages of the Foreign Ambassadors and Ministers Extraordinary,



in the order in which they respectively reported their arrival in this country.

Marshal Soult, Duc de Dalmatia, from the King of the French.

The Duke de Palmella, from the Queen of Portugal.

The Count Lowenhielm, from the King of Sweden.

The Marquis de Brignole, from the King of Sardinia.

The Count Alten, G.C.B., from the King of Hanover.

The Prince de Putbus, from the King of Prussia.

The Marquis de Miraflores, from the Queen of Spain.

The Baron de Capellan, from the King of the Netherlands.

The Prince Schwarzenburg, from the Emperor of Austria.

The Count Stroganoff, from the Emperor of Russia.

The Prince de Ligne, from the King of the Belgians.

The Count Ludolf, from the King of the Two Sicilies.

Carriages of their Excellencies the Resident Foreign Ambassadors:

The Turkish Ambassador, Sarim Effendi.

The French Ambassador, Count Sebastiani.

The Russian Ambassador, Count Pozzo di Borgo.

The Austrian Ambassador, Prince Esterhazy, G.C.B.

Mounted Band of a Regiment of Household Brigade.

Detachment of Life Guards.

Carriages of the Branches of the Royal Family, with their respective Escorts—

The Duchess of KENT and Attendants,

In two Carriages.

The Duke and Duchess of CAMBRIDGE and Attendants,

In two Carriages.

The Duchess of GLOUCESTER and Attendants,

In two Carriages.

The Duke of SUSSEX, and Attendants,

In his Carriage.

Mounted Band of a Regiment of the Household Brigade.

The Queen's Bargemaster.

The Queen's Forty-eight Watermen.

TWELVE OF HER MAJESTY'S CARRIAGES,

Each drawn by Six Horses, and accompanied by two Grooms walking on either Side.

In these were conveyed Her Majesty's Pages of Honour, Gentlemen Ushers, Bedchamber-women, Grooms in Waiting, the Eight Maids of Honour, the Groom of the Robes, the Clerk Marshall, the Keeper of the Privy Purse; the Vice Chamberlain, the Treasurer, and the Comptroller of the Household, the Lords in Waiting, Ladies of the Bedchamber, the Lord Chamberlain, and the Lord Steward. These were followed by

A squadron of Life Guards.

Mounted Band of the Household Brigade.

Military Staff and Aids-de-Camp on horseback, three and three, Attended by one Groom each, and on either side by the Equerry of the Crown Stable, and the Queen's Gentleman Rider, Deputy Adjutant-General, Deputy Quartermaster General, Deputy Adjutant-General

Royal Artillery, Quartermaster-General, Military Secretary to the  
Commander-in-Chief, Adjutant-General.

The Royal Huntsmen, Yeoman Prickers, and Forester.

Six of her Majesty's Horses, with rich trappings, each horse led by two  
Grooms.

The Knight Marshall on Horseback.

Marshalmen in Ranks of Four.

The Junior Exon of the Yeomen of the Guard on Horseback.

One Hundred Yeomen of the Guard, four and four.

The Senior Exon, Ensign, and Lieutenant of the Yeoman on Horseback

#### THE STATE COACH,

Drawn by Eight Cream-coloured Horses, attended by a Yeoman of the  
Guard at each wheel, and two Footmen at each door.

The Gold Stick, Viscount Combermere, and the Captain of the Yeoman  
of the Guard, the Earl of Ilchester, riding on either side, attended by  
two Grooms each, conveying

#### THE QUEEN.

The Mistress of the Robes, the Duchess of Sutherland.

The Master of the Horse, the Earl of Albemarle.

The Captain-General of the Royal Archers, the Duke of Buccleugh,  
Attended by two Grooms.

A squadron of Life Guards.

The Queen reached the western entrance of the Abbey at half-past eleven, and was there received by the Great Officers of State, the noblemen bearing the Regalia, and the Bishops carrying the Patina, the Chalice, and the Bible. Her Majesty then repaired to her robing chamber, constructed on the right of the platform. The arrangements in the interior of the Abbey were nearly the same as at the previous coronation. The decorations were thought to be in better taste, and in a more splendid style, than on any former occasion. On each side of the nave, that part of the building which reaches from the western door to the organ-screen, galleries were erected for the accommodation of spectators, the fronts covered with crimson cloth, fringed with gold. In these there was accommodation for about a thousand persons. A platform, about twelve feet wide,

raised a few inches from the stone floor, was matted and covered with purple and crimson carpeting. Underneath the galleries, and on a step rather lower than the platform, were ranged lines of Foot Guards. Immediately under the central tower of the Abbey, in the interior of the choir, a platform was raised, five steps from the ground, on a carpet of gold and purple. The platform itself was covered with cloth of gold; and on it the chair of homage, superbly gilt, was placed, facing the altar. Further on, within the chancel, and near the altar, was St. Edward's chair. The altar was covered with massive gold plate. Immediately above the altar and opposite the organ, was the gallery appointed for Members of the House of Commons. Above them, in a small gallery immediately under the roof, was a band of trumpeters. Two galleries ran on

either side of the eastern extremity of the choir ; one of which was allotted to the Foreign Ambassadors, the other to the friends of the Earl Marshal and other persons of distinction. Both were covered with crimson cloth ; and from the lower part hung green and gold tapestry, remarkably splendid. On either side of this end of the choir, were two galleries filled with Judges, Masters in Chancery, Knights of the Bath, members of the Corporation of London, and others.

The transepts, or northern and southern branches of the cross, were full of galleries and boxes. Every nook and corner appeared full. The floor of the transepts was occupied by benches ; those on the north side being for Peers, and those on the south for Peeresses ; with a large space behind for persons who had obtained tickets for this part of the Abbey.

Soon after twelve o'clock, the principal or grand procession began to enter the choir, in the following order—

#### The Prebendaries and Dean of Westminster.

##### Officers of Arms.

Controller of her Majesty's Household.

Treasurer of her Majesty's Household, (attended by two gentlemen,) bearing the crimson bag with the Medals.

Her Majesty's Vice-Chamberlain, acting for the Lord-Chamberlain of her Majesty's Household; attended by an Officer of the Jewel office, bearing on a cushion the Ruby Ring and the Sword for the offering.

The Lord Steward of her Majesty's Household ; his coronet carried by a Page.

The Lord Privy Seal ; his coronet carried by a Page.

The Lord President of the Council ; his coronet carried by a Page.

The Lord Chancellor of Ireland, attended by his Purse-bearer ; his coronet carried by a Page.

The Lord Archbishop of Armagh, in his rochet, with his cap in his hand.

The Lord Archbishop of York, in his rochet, with his cap in his hand.

The Lord High Chancellor, attended by his Purse-bearer ; his coronet carried by a Page.

The Lord Archbishop of Canterbury, in his rochet, with his cap in his hand, attended by two gentlemen.

#### PRINCESSES OF THE BLOOD ROYAL.

Her royal Highness the Duchess of CAMBRIDGE, in a robe of estate of purple velvet, and wearing a circlet of gold on her head ; her train borne by Lady Caroline Campbell, assisted by a gentleman of her Household ; the coronet of her Royal Highness borne by Viscount Villiers.

Her Royal Highness the Duchess of KENT, in a robe of estate of purple velvet, and wearing a circlet of gold on her head ; her train borne by Lady Flora Hastings, assisted by a gentleman of her

Household ; the coronet of her Royal Highness borne by Viscount Morpeth.

Her Royal Highness the Duchess of GLOUCESTER, in a robe of estate of purple velvet, and wearing a circlet of gold on her head ; her train borne by Lady Caroline Legge, assisted by a gentleman of her Household ; the coronet of her Royal Highness borne by Viscount Emlyn.

#### THE REGALIA.

St. Edward's Staff, borne by the Duke of Roxburghe ; his coronet carried by a Page.

The Golden Spurs, borne by Lord Byron ; his coronet carried by a Page.

The Sceptre with the Cross, borne by the Duke of Cleveland ; his coronet carried by a Page.

The Third Sword, borne by the Marquess of Westminster ; his coronet carried by a Page.

Curtana, borne by the Duke of Devonshire ; his coronet carried by a Page.

The Second Sword, borne by the Duke of Sutherland ; his coronet carried by a Page.

Black Rod.

Deputy Garter.

The Lord Willoughby d'Eresby, as Lord Great Chamberlain of England ; his coronet borne by a Page.

#### PRINCES OF THE BLOOD ROYAL.

His Royal Highness the Duke of CAMBRIDGE, in his robes of estate, carrying his baton as Field Marshal ; his coronet borne by the Marquis of Granby ; his train borne by Sir William Gomm.

His Royal Highness the Duke of SUSSEX, in his robes of estate ; his coronet carried by Viscount Anson ; his train borne by the Hon. Edward Gore.

The High Constable of Ireland ; Duke of Leinster ; his coronet borne by a Page.	The High Constable of Scotland, Earl of Errol ; his coronet borne by a Page.
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The Earl Marshal of England, the Duke of Norfolk, with his staff ; attended by two Pages.

The Sword of State, borne by Viscount Melbourne ; his coronet carried by a Page.

The Lord High Constable of England, Duke of Wellington, with his staff and baton, as Field Marshall ; attended by two Pages.

The Sceptre with the Dove, borne by the Duke of Richmond ; his coronet carried by a Page.

St. Edward's Crown, borne by the Lord High Steward, Duke of Hamilton, attended by two Pages.

The Orb, borne by the Duke of Somerset ; his coronet carried by a Page.

The Patina, borne by the Bishop of Bangor.

The Bible, borne by the Bishop of Winchester.

The Chalice, borne by the Bishop of London.

## THE QUEEN.

Ten Gentlemen at Arms,  
with their Standard  
Bearer.

The Bishop in her royal robe of crimson velvet, furred with ermine, and bordered with gold lace; wearing the collars of her Orders; on her head a circlet of gold.

The Bishop of Durham.

Ten Gentlemen at Arms,  
with  
their Lieutenant.

Her Majesty's train borne by

Lady Adelaide Paget,	Lady Caroline Amelia Gordon
Lady Frances Elizabeth Cowper,	Lennox,
Lady Ann Wentworth Fitzwilliam,	Lady Mary Alithea Beatrix Talbot,
Lady Mary Augusta Frederica Grimston,	Lady Catherine Lucy Wilhelmina Stanhope.
	Lady Louisa Harriet Jenkinson.

Assisted by the Lord Chamberlain of the Household (his coronet borne by a Page), followed by the Groom of the Robes.

The Duchess of Sutherland Mistress of the Robes.  
Marchioness of Lansdowne, First Lady of the Bedchamber.  
Ladies of the Bedchamber—viz.

Countess of Charlemont,	Marchioness of Tavistock,
Lady Lyttleton,	Countess of Mulgrave,
Lady Portman,	Lady Barham.

Maids of Honour—viz.

Hon. Margaret Dillon,	Hon. Harriet Pitt,
Hon. Miss Cavendish,	Hon. Caroline Coeks,
Hon. Miss Lister,	Hon. Matilda Paget,
Hon. Miss Spring Rice,	Hon. Miss Murray.

Women of the Bedchamber.

Lady Harriet Clive,	Lady Caroline Barrington,
Lady Theresa Digby,	Lady Charlotte Copley,
Hon. Mrs. Brand,	Viscountess Forbes,
Lady Gardiner.	Hon. Mrs. Campbell.

The Gold Stick of the Life Guards in waiting; his coronet borne by a Page.

The Master of the Horse; his coronet borne by a Page.

The Captain General of the Royal Archer Guard of Scotland; his coronet borne by a Page.

The Captain of the Yeomen of the Guard his coronet borne by a Page.	The Captain of the Band of Gentlemen at Arms; his coronet borne by a Page.
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Keeper of Her Majesty's Privy Purse.

Ensign of the Yeomen of the Guard.

Lieutenant of the Yeomen of the Guard.

Clerk of the Check.

Exons of the Yeomen of the Guard.

to the Yeomen of the Guard.

Exons of the Yeomen of the Guard.

Twenty Yeomen of the Guard.

The Queen looked extremely well, and had a very animated expression of countenance. Some of the Foreign Ambassadors had numerous and splendid suites, and were magnificently attired. By far the most gorgeous was Prince Esterhazy, whose dress, down to his very boot-heels, sparkled with diamonds. The scene within the choir, which presented itself to the Queen on her entrance, was gorgeous and in some respects beautiful. The Turkish Ambassador seemed absolutely bewildered; he stopped in astonishment, and for some time would not move on to his allotted place.

As the Queen advanced slowly towards the centre of the choir, she was received with hearty plaudits; the anthem "I was glad" being sung by the musicians. At the close of the anthem the Westminster boys (who occupied seats at the extremity of the lower galleries on the northern and southern sides of the choir) chanted "Vivat Victoria Regina." The Queen moved towards a chair placed midway between the chair of homage and the altar, on the carpeted space before described, and which is called "the Theatre." Here she knelt down on a faldstool set for her before her chair, and used some private prayers. She then took her seat in the chair; and the ceremonial proceeded.

First came "The Recognition" by the Archbishop of Canterbury; who advanced to the Queen, accompanied by the Lord Chancellor, the Lord Chamberlain, the Lord High Constable, and the Earl

Marshal, preceded by the Deputy Garter, and repeated these words, "Sirs, I here present unto you Queen Victoria, the undoubted Queen of this realm; wherefore, all you who are come this day to do your homage, are you willing to do the same?"

Then burst forth the universal cry from the portion of her Majesty's subjects present, "God save Queen Victoria." The Archbishop turning to the north, south, and west sides of the Abbey, repeated "God save Queen Victoria;" the Queen turning at the same time in the same direction.

The Bishops who bore the Patina, Bible, and Chalice in the procession, placed the same on the altar. The Archbishop of Canterbury, and the Bishops who were to read the Litany, put on their copes. The Queen, attended by the Bishops of Durham and Bath and Wells and the Dean of Westminster, with the Great Officers of State, and noblemen bearing the regalia, advanced to the altar, and kneeling upon the crimson velvet cushion, made her first offering, being a pall, or altar-cloth of gold; which was delivered by an Officer of the Wardrobe to the Lord Chamberlain, by his Lordship to the Lord Great Chamberlain, and by him to the Queen, who delivered it to the Archbishop of Canterbury, by whom it was placed on the altar. The Treasurer of the Household then delivered an ingot of gold, of one pound weight, to the Lord Great Chamberlain; who having



presented the same to the Queen, her Majesty delivered it to the Archbishop, by whom it was put into the oblation-basin.

The Archbishop delivered a prayer in the prescribed form. The regalia were laid on the altar by the Archbishop. The Great Officers of State, except the Lord Chamberlain, retired to their respective places; and the Bishops of Worcester and St. David's read the Litany. Then followed the Communion service, read by the Archbishop of Canterbury and the Bishops of Rochester and Carlisle. The Bishop of London preached the sermon from the following text, in the Second Book of Chronicles, chapter, xxxiv. verse 31st—

“And the king stood in his place, and made a covenant before the Lord, to walk after the Lord, and to keep his commandments and his testimonies and statutes, and with all his heart and with all his soul to perform the words of the covenant which are written in this book.”

In the course of his sermon from this text, the Bishop praised the late King for his unfeigned religion, and exhorted his youthful successor to follow in his footsteps.

At the conclusion of the sermon, “the Oath” was administered to the Queen by the Archbishop of Canterbury. The form of swearing was as follows. The Archbishop put certain questions, which the Queen answered in the affirmative, relative to the maintenance of the law and the Established religion; and then, her Majesty with the Lord Chamberlain and other officers, the sword of state being carried before her, went to the altar, and laying her right

hand upon the Gospels in the Bible carried in the procession, and now brought to her by the Archbishop of Canterbury, said, kneeling,

“The things which I have here before promised I will perform and keep. So help me God.”

The Queen kissed the book, and signed a transcript of the oath presented to her by the Archbishop. She then kneeled upon her faldstool, and the choir sang, “Veni, creator, spiritus.”

“The Anointing” was the next part of the ceremony. The Queen sat in King Edward's chair; four Knights of the Garter, the Dukes of Buccleuch and Rutland, and the Marquesses of Anglesea and Exeter, held a rich cloth of gold over her head; the Dean of Westminster took the ampulla from the altar, and poured some of the oil it contained into the anointing-spoon; then the Archbishop anointed the head and hands of the Queen marking them in the form of a cross, and pronouncing the words,

“Be thou anointed with holy oil, as kings, priests, and prophets were anointed. And as Solomon was anointed king by Zadok the priest and Nathan the prophet, so be you anointed, blessed, and consecrated Queen over this people, whom the Lord your God hath given you to rule and govern, in the name of the Father and of the Son and of the Holy Ghost. Amen.”

The Archbishop then said his prayer or blessing over her.

The spurs were presented by the Lord Chamberlain; and the Sword of State by Viscount Melbourne; who, however, according to custom redeemed “it with a hundred shillings,” and carried it

during the rest of the ceremony. Then followed the investing with the "Royal Robe and the delivery of the Orb," and the "Investiture per annulum et baculum"—the ring and sceptre.

The Coronation followed. The Archbishop of Canterbury, offered a prayer to God to bless her Majesty "and crown her with all princely virtues." The Dean of Westminster took the crown from the altar; and the Archbishop of Canterbury with the Archbishops of York and Armagh, the Bishops of London, Durham, and other Prelates, advanced towards the Queen, and the Archbishop taking the crown from the Dean, reverently placed it on the Queen's head—

This was no sooner done, than from every part of the crowded edifice arose a loud and enthusiastic cry of 'God save the Queen!' mingled with lusty cheers, and accompanied by the waving of hats and handkerchiefs. At this moment, too, the Peers and Peeresses present put on their coronets, the Bishops their caps, and the Kings of Arms their crowns; the trumpets sounding, the drums beating, and the Tower and Park guns firing by signal.

The Bible was presented by the Archbishop of Canterbury to the Queen; who delivered it again to the Archbishop; and it was replaced on the altar by the Dean of Westminster.

"The Benediction" was delivered by the Archbishop; and the Te Deum sung by the choir. At the commencement of the Te Deum, the Queen went to the chair which she first occupied, supported by two Bishops. She was then "enthroned," or "lifted," as the formulary states, into the

chair of homage, by Archbishops, Bishops, and Peers surrounding her Majesty. Her Majesty delivered the sceptre with the cross to the Lord of the Manor of Worksop, (the Duke of Norfolk,) and the sceptre with the dove to the Duke of Richmond, to hold during the performance of the ceremony of homage. The Archbishop of Canterbury knelt and did homage for himself and other Lords Spiritual, who all kissed the Queen's hand. The Dukes of Sussex and Cambridge, removing their coronets, did homage in these words—

"I do become your liege man of life and limb, and of earthly worship, and faith and truth I will bear unto you, to live and die, against all manner of folks. So help me God."

They touched the Crown on the Queen's head, kissed her left cheek and then retired. It was observed that her Majesty's bearing towards her uncles was very kind and affectionate. The Dukes and other Peers then performed their homage, the senior of each rank pronouncing the words. As they retired each Peer kissed her Majesty's hand. The Duke of Wellington, Earl Grey, and Lord Melbourne, were loudly cheered, as they ascended the steps to the throne. Lord Rolle, who was upwards of eighty, stumbled and fell, on going up the steps. The Queen immediately stepped forwards and held out her hand to assist him, amidst the loudly expressed admiration of the entire assembly.

While the Lords were doing homage, the Earl of Surry, Treasurer of the Household, threw coronation medals, in silver, about the choir and lower galleries which

were scrambled for with great eagerness.

At the conclusion of the homage, the choir sung the anthem, "This is the day which the Lord hath made." The Queen received the two sceptres from the Dukes of Norfolk and Richmond; the drums beat, the trumpets sounded, and the assembly cried out, "God save Queen Victoria!"

The Archbishop of Canterbury then went to the altar. The Queen followed him, and giving the Lord Chamberlain her crown to hold, knelt down at the altar; the Gospel and Epistle of the Communion service, having been read by two bishops. The Queen made her offerings of the chalice and patina, and a purse of gold; which were laid on the altar. Her Majesty received the sacrament, kneeling on her faldstool by the chair. Afterwards, she put on her crown, and with her sceptres in her hands, took her seat again upon the Throne. The Archbishop of Canterbury proceeded with the Communion service, and pronounced the final blessing. The choir sung the anthem "Hallelujah! for the Lord God omnipotent reigneth." The Queen then left the throne, and, attended by two bishops, and noblemen bearing the regalia and swords of state, passed into King Edward's chapel, the organ playing. The Queen delivered the sceptre with the dove to the Archbishop of Canterbury, who laid it on the altar. She was then disrobed of her imperial robe of state, and arrayed in her royal robe of purple velvet, by the Lord Chamberlain. The Archbishop placed the orb in her left hand. The gold spurs and St. Edward's staff were delivered by the noblemen who

bore them to the Dean of Westminster, who placed them on the altar. The Queen then went to the west door of the Abbey, wearing her crown, the sceptre with the cross, being in the right, and orb in the left hand. The swords and regalia were delivered to gentlemen who attended to receive them from the jewel office. It was about a quarter to four o'clock when the royal procession passed through the nave, in the same order, as before, at the conclusion of the ceremony in the Abbey.

The return of the procession, though the line was much broken, presented a more striking appearance, from the circumstance of the royal and noble personages wearing their coronets, and the Queen her Crown. It was unusually elegant; the mass of brilliants, relieved here and there by a large coloured stone, and the purple velvet cap, had a very superb and chaste effect; it became her Majesty extremely well. The jewelled coronets of the royal family were very splendid; and both Peers and Peeresses looked well. for the most part, in these old symbols of feudal state and sovereignty.

The sight of the streets paved with heads, and the houses alive with spectators, was most impressive.

Her Majesty entertained a party of one hundred at dinner; and in the evening witnessed from the roof of her palace, the fireworks discharged in the Green Park. The Duke of Wellington gave a grand ball at Apsley House; for which cards of invitation were issued for 2,000 persons.

The several Cabinet Ministers gave official state dinners on the next day.

Some account must now be given of the popular festivities. For the gratification of the multitude, at the solicitation of Mr. Hawes, M.P. for Lambeth, a fair was permitted to be holden in Hyde Park for two days, Thursday and Friday, to which two more, Saturday and Monday, were subsequently added. The area allotted comprised nearly one-third of the park, extending from near the margin of the Serpentine river, to within a short distance of Grosvenor-gate. To the interior there were eight entrances, the main one 50 feet wide and the others 30 feet each. The area within, measuring about 1600 by 1400 feet, was occupied by theatres, taverns, and an endless variety of exhibitions; and the centre appropriated to lines of stalls, for the sale of fancy goods, sweetmeats, and toys. On Friday the fair was visited by her Majesty in person.

Soon after two o'clock, on Thursday, while the coronation ceremony was in progress, Mrs. Graham ascended from Hyde Park in her balloon, accompanied by Captain Currie. No æronaut, perhaps, was ever so long over the metropolis, for the currents of air varied so much, and were so light, that it was found impossible to get away, or to rise to any considerable height, owing to the condensation of the gas; and after discharging all the ballast, with every moveable article, and having remained in the air upwards of an hour and a half, they descended safely in Marylebone-lane. Much damage was done to the balloon, and netting, on account of the narrowness of the passage where they fell, and a man in the street was so severely injured by the fall

of a coping stone, as to occasion his death, after lingering more than a fortnight.

The illuminations at the public offices, and generally throughout all the principal streets, were very magnificent, and probably altogether on a far larger scale than had been before seen in the metropolis. The fireworks, which were discharged at eleven o'clock, were also provided on the most liberal scale. They were the same in Hyde Park, and in the Green Park, and both were extremely grand.

All the theatres in the metropolis, and nearly all the other places of public amusement, were, by her Majesty's command, opened gratuitously for that evening, and at all of them, such excellent arrangements had been made, that no accidents occurred. Indeed the peaceable and orderly behaviour of hundreds of thousands of people in the middle and lower ranks of life, during a long day of excitement, notwithstanding the crowding and waiting that create confusion and collision, was not the least striking characteristic of the proceedings, and drew forth the admiration of all the foreigners present. Great praise was due to the temper and firmness with which the police did their duty; the soldiers, especially the household troops, were also, as usual, extremely patient and forbearing. The arrangements were in general excellent; and scarcely a single accident occurred the whole day and night, great as was the pressure on many points of the line.

According to a return laid on the table of the House of Commons, of the accidents and offences on the day of the coronation, it appears that only twenty persons were brought to the station; seven

charged with picking pockets, twelve with gambling, and one with a felony committed some time ago. A gentleman fell down in a fit of apoplexy in one of the dancing booths, and upwards of a hundred children were lost; but being taken to the station, and notices having been posted up stating where the parents might apply, the children were all restored.

In almost every town throughout the country, the heartiest demonstrations of public rejoicing took place. Public dinners, feasts to the poor, processions, and illuminations were the order of the day. At Liverpool was laid the first stone of St. George's Hall. The English at Paris had a public dinner, presided over by Sir Sidney Smith. At Leghorn was laid the first stone of an English Protestant chapel. In no place, however, at home or abroad, was the day celebrated in a manner more remarkable, or on a more magnificent scale, than in the town of Cambridge. Not less than 13,000 persons were feasted on one spot, in the open field called Parker's Piece. In the centre was raised an orchestra, for 100 musicians, which was surrounded by a gallery for 1600 spectators. Encircling this centre, were three rows of tables, for the school children; and from them radiated, like the spokes of a wheel, the main body of the tables, 60 in number and 125 feet in length. Beyond their outer extremity were added 28 others, in an outer circle, and outside the whole a promenade was roped in for spectators. These were even more numerous than those who dined. The circumference of the whole area was one third of a mile. Harmony pre-

vailed throughout this immense assemblage.

30. **MUSICAL FESTIVAL IN THE ABBEY.**—Whilst the coronation decorations remained in Westminster Abbey, a Musical Festival was held, the rehearsal on Saturday June 30, the performance on Monday July 2. The music consisted of the three anthems as performed at the coronation; of a selection from Mozart's requiem, from Haydn's Creation, and Handel's Israel in Egypt, &c. The proceeds of this festival were applied to the benefit of the following charities:—viz. the Westminster Hospital, the Westminster Dispensary, and the National schools.

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## JULY.

5. **REVIEW AT WOOLWICH.**—Among the entertainments provided for the distinguished strangers who visited London on the occasion of the coronation, was a grand review of the Artillery and Sappers and Miners, at Woolwich. The Duke de Nemours, Marshal Soult, and a numerous body of foreigners, were present. Sir Hussey Vivian was the principal British officer on the field. The manœuvres, discharges of artillery, rockets, and other deadly missiles, were all performed in the first style. After the review, there was a grand feast of roast beef and plum pudding for the troops stationed at Woolwich, with their wives and children. About 4,600 men, women, and children, dined in the open space before the barracks. At night there was a brilliant display of fire works, and

the day's entertainments concluded with a ball.

6. VIOLENT STORM IN THE NORTH.—The storm, which was very severe in the Metropolis and neighbourhood, during the previous week, was quite terrific in the North of England. At Manchester, Rochdale, Bolton, Preston, and several towns in Yorkshire, there was a tremendous fall of rain and hail stones, mixed with large pieces of ice, which broke almost every pane of glass in the conservatories and factory skylights. But the most extensive injury was occasioned by the floods in the streams which take their rise in the country north of Rochdale and Bolton.

These seemed to have been filled with fearful rapidity, so that the bridges spanning them were soon swept down; and in many cases the great body of water, carrying away before its resistless torrent the banks of reservoirs and lodges of water, appears to have speedily inundated the lower lands to a great depth, covering the hay-fields, sweeping away the newly-cut grass, and doing great injury to buildings, machinery, and property of every description. A number of persons lost their lives, the flood having overwhelmed them so rapidly as to cut off all chance of escape. Near Barnsley, in Yorkshire, twenty-seven boys and girls were drowned in one coal-pit; three men were, in like manner, overwhelmed by the flood in a coal-pit in the neighbourhood of Rochdale; a boy was swept from a stable at Bradley, and drowned; another lost his life at Bolton; and a large number of cattle, sheep, and other animals, perished.

The Spodden, a small rivulet

which takes its rise between Whitworth and Backup, and meets the river Roach about two hundred yards below the town, bore everything down before it by three o'clock. So sudden was its rise, that it enclosed half-a-dozen children, and some men, who had gone into a field to watch it, before they were aware of their perilous situation. Retreat was impossible. The field was surrounded with water; and the ground upon which they stood every moment became narrower and narrower, till at last all was one sheet of water. The little urchins had now retreated into a thorn hedge, where their situation became truly painful; every moment they were expected to be washed from this last place of refuge. The most lively interest was excited for their fate in hundreds of spectators, though property of every description came floating down; barrels, planks, trees torn up by the roots, wool-pieces, carts, kiffs, timber, &c.; yet every one seemed absorbed in the fate of these children. The water was at its highest a little before four, when it began to subside; at half-past four a man plunged in on horseback, and brought the children to land, by two at a time; the water at the deepest part he had to cross might be about a yard and a half deep.

7. ACCIDENT ON THE LONDON AND BIRMINGHAM RAILROAD.—A fatal accident occurred to a man of the name of Dent, in the service of the London and Birmingham Railroad Company. Dent, who was on the roof of one of the carriages, was employed in placing the tarpauling over the luggage, which had been removed by the violence of the wind. While thus engaged, the train, which v



going at the rate of thirty miles an hour, passed under a bridge, when his head came in violent collision with the arch, and he was immediately precipitated from his situation, falling between the carriages on one of the train rails. The train, owing to the velocity with which it was going, went on near a mile before it could be stopped. It then returned, when it was found the poor fellow's body had been run over. It was in a frightfully mangled state.

9. REVIEW IN HYDE PARK.—A grand review of cavalry and infantry took place in Hyde Park. The force on the ground, amounting to nearly 5000 men, consisted of three troops of the Royal Artillery, the 1st and 2nd Life Guards, the Royal Horse Guards, the 10th Hussars, the 12th Lancers, three Batteries of Field Artillery, 1st and 3rd Battalions of the Grenadier Foot Guards, the 1st and 2nd Battalions of Scots Fusileers, and the 1st and 2nd Battalions of the Rifle Brigade. The Queen appeared soon after eleven, in an open barouche, with her aides-de-camp in full uniform, and escorted by a detachment of Life Guards. The Dukes of Cambridge and Wellington, the Duke of Nemours, Marshal Soult, Prince Esterhazy, Prince Schwarzenburgh, Count Strogonoff, and many other foreigners of distinction, were present. The park was crowded to excess, by persons in carriages, on horseback, and on foot. A larger space than usual was left open for the public, and no privileged persons admitted within the ring so as to obscure the view of the multitude. The Queen looked remarkably well, and was much cheered. Marshal Soult was greeted with loud accla-

mations, which he repeatedly acknowledged; and the gentlemen of his suite testified their gratification at the honour done their chief. The Duke of Wellington, however, seems to have been the lion of the day: crowds pressed round to shake hands with him, amidst deafening cheers. The day was beautifully fine, though hot, and the show passed off without any very serious accident. The breaking of Marshal Soult's stirrups was one of the casualties; but he could scarcely regret the accident, since he was supplied from Messrs. Laurie and Co., the saddlers, with the stirrups which Napoleon used during some of his campaigns.

— RICHES ACCUMULATED BY A CONVICT.—Accounts from Sydney, lately received, mention the death, at an advanced age, of Samuel Terry, who was transported about half a century ago. This man died worth four hundred thousand pounds sterling. His landed property was estimated at 150,000*l.*, and his personal effects at 250,000*l.* The bulk of his fortune was settled upon his eldest son, Edward Terry, for life, afterwards on his heirs.

10. PARIS.—SENTENCE ON M. LAITY.—In the Court of Peers, M. Laity, who had been prosecuted by the government, for having committed an attempt against the safety of the state, by printing, publishing, and distributing the writing entitled *Relation Historique des Evenemens du 30 Octobre, 1836*, the said writing containing an attack upon the principle or form of government established by the charter of 1830, and having for its object the destruction or change of the government; was found guilty,

and sentenced to imprisonment for five years, and to a fine of 10,000*l*. To remain after the expiration of the term under the surveillance of the police for the rest of his life, and to pay all the costs of the prosecution.

The pamphlet was suppressed, and all the copies seized were ordered to be destroyed.

12. MURDER AT HAMPTON.—John Rickey, a soldier, was indicted for the wilful murder of Sergeant James Hamilton, of the 12th Regiment of Lancers.

Thomas Clutterbuck deposed, that he was a sergeant in the 12th Lancers. The prisoner was a private in the same regiment. On the 21st of June he received directions from troop-sergeant-major Murphy, to take the prisoner into custody, and he, in consequence, went in search of him. He went into Hampton Court Palace. On that day the prisoner was the stable sentry, and ought to have been at the barracks, but he left his post, and witness saw him at the entrance gate of the palace, going into the barrack-yard. The deceased went along with witness, and they went in the direction where they had seen Rickey, who ran away into the interior of the palace. They followed the prisoner for some time, and saw him at length standing at the angle of one of the passages with a cavalry pistol in each hand. He had no right to have pistols with him at that time. Immediately the prisoner saw witness and Hamilton coming towards him, he presented a pistol at each of them. The deceased begged him to come away quietly, and the prisoner said, "Hamilton, go home, for if you come near to me, I will shoot you." The deceased

then told witness to go away, saying, that he thought he should be able to get the prisoner away quietly, as he knew his temper. Witness accordingly retired, and almost immediately afterwards he heard the report of fire-arms, and he returned to the spot and saw the deceased lying on the ground, and the prisoner in charge of the guard. The prisoner was then secured; and he heard him say that he was sorry he had shot Hamilton—that he intended to shoot Sergeant-Major Murphy.

The above facts were corroborated by several witnesses. The prisoner had been in the regiment for eleven years, and bore a very good character. On this occasion he appeared to have been drinking.

Mr. Hunter, a surgeon, deposed, that he was called in to see the deceased, and that he found him mortally wounded.

The jury returned a verdict of guilty, and sentence of death was passed. Subsequently, however, the prisoner received a free pardon on condition of leaving the country for life.

13. DINNER AT GUILDHALL.—On this day the corporation of London gave a grand dinner in Guildhall to all the Ambassadors Extraordinary, and other illustrious foreign visitors. The Archbishops of Canterbury and Armagh were also present; several of the Bishops; and from each side of both Houses of Parliament fifteen Lords and seventeen Commons. In all, about 600 persons were present. The Duke of Wellington and Marshal Soult were toasted together, and they both acknowledged the compliment with the greatest cordiality.

14. PRIZE-FIGHTERS SENTENCE

—At the Hertford assizes, Richard Curtis and John Brown were found guilty of manslaughter having been seconds in the prize-fight at Melbourne - heath, in which William Phelps, called "Brighton Bill," was killed. They were sentenced to three months' imprisonment, with hard labour.

17. CAVAN — IMPORTANT DECISION — MAGAGHRAN V. REV. C. REILLY.—In this suit, which excited considerable interest, and occupied several hours, Baron Pennefather gave a most clear and elaborate judgment, during the delivery of which a breathless silence prevailed in a court crowded to suffocation. The facts of the case were shortly as follows:—Magaghan, the appellant, was tried at the Spring assizes, 1837, for an assault upon a female named E. Gaffney, and was acquitted, upon the most clear and satisfactory evidence. In the month of August, following, he applied to the respondent, who was his parish priest, for the usual certificate necessary to entitle him to obtain a licence in order, that he might get married to his present wife; upon which occasion the respondent refused to give him such certificate, unless he deposited in the hands of his reverence a sum of 20*l.*, as, and by way of, compensation to be paid to Elizabeth Gaffney, for the injury alleged to have been sustained both upon her person and character. To this Magaghan objected, stating, that he had been honourably acquitted; but this was not sufficient, and he was obliged to submit to his reverence, on the terms that the 20*l.* deposited with him should abide the determination of the next conference to be held in November by the holy fathers. They

one and all convicted Magaghan of the crime for which he had been acquitted by a jury of his countrymen. Magaghan, upon this applied to a respectable attorney, who advised him to bring a civil bill process to recover back the 20*l.*, and accordingly, such civil bill was brought to the April sessions following. The assistant barrister (Mr. Murphy) having, however, dismissed the civil bill, the present appeal was heard before the learned baron, who reversed the dismissal, and gave Magaghan a decree for his 20*l.*

—ACTION FOR SLANDER.—At the Winchester assizes, Mrs. Padmore, a widow lady, obtained a verdict with 50*l.* damages against the rev. Mr. Lawrence, for slander. Mrs. Padmore gave lessons in drawing to ladies in the neighbourhood of Lymington. In March last, she called at the house of the defendant near Milford. A few minutes after she left the house, Mr. Lawrence followed her, and in the presence of several persons said—"You have been at my house, Madam; Mrs. Lawrence laid a brooch worth five pounds on the table in the parlour where there was nobody else but my son and you; the brooch is gone, therefore you must have taken it; I must search you." Mrs. Padmore was willing to be searched; and she was taken to an inn, where a woman, at Mr. Lawrence's desire, took off most of her dress, but did not find the brooch. Soon afterwards, the brooch was found at a milliner's house, where Mrs. Lawrence had left it; but the rev. gentleman refused to make any apology for the insult he had offered to the plaintiff.

—CHANGE OF FORTUNE.—

Lately, a poor mechanic, of Nottingham, of the name of Leeman, came into the possession of an immense fortune, and a baronetcy, in consequence of the decision of the Court of Chancery in a case which had occupied the court at Edinburgh nearly three years. The property which has thus come into the possession of the now Sir John Leeman is stated at 400,000*l.* per annum, including the whole of Goodman's - fields, and several other landed estates in different parts of the country. The funded property is also said to be about 2,000,000*l.* We question whether the amount be not very much exaggerated.

18. MURDER OF A WIFE BY A HUSBAND.—At the Waterford city court, Thomas Carty was indicted for having, on the 2nd of December last, caused the death of Anne Carty, his wife, by strangling her. It appeared that the deceased was an habitual drunkard.

The first and principal witness was Thomas Carty, a boy about eleven years of age, and son of the prisoner, who was examined as to the nature of an oath, and sworn. His mother died on the first Saturday in Advent, in his father's house; was at home when his mother was brought about six o'clock on that evening; was hardly able to stand by herself; was placed on a chair at the fire; father was not at home when she was brought in; a man who lodged with us was at home; his name is Paddy Power; father came in afterwards; mother had gone out for milk when father came in; he asked me was she within; then asked me was she drunk; I said not; asked me again, when I told him she was. Mother was brought in after that by a man named

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John Buckley; this was about three hours after she first came in; was more drunk when Buckley brought her in than she was before; father was at home; she was put sitting on a chair at the fire; was not able to stand by herself; saw father hit her a crack with the whip; [at this period the boy was so affected as to burst out crying.] Power desired my father not to strike her any more; she was unable to get off the chair; father told her she should not sleep with him that night; father went to bed; mother and Power were at the fire; Power also went to bed; Power's bed was in the same room with father's; saw Power in bed; went to bed to father, and fell asleep; had starts in the night; was awoke out of sleep; father got up and said to witness, "Wait till I go see what way your mother is;" followed him into the kitchen; was dark at the time, but saw him by the light of the fire; father put the handkerchief round her neck, and choked her with it; witness began to cry; father said, "If you do not stop, I'll do the same to you;" father put his hand on her mouth; was not very long doing it; mother remained on the chair all the time; father kept her up with his knees; father then brought a chair into the yard; mother was in the kitchen, laid on the floor; father put her down on the floor; she was dead at that time; father brought her out in the yard, and put a cord round her neck, and put her sitting on the chair; put his hands round her body; the cord was one used for drying clothes in the yard; he tied it to a balk; was looking at him; followed him to the threshold; could see the place; had light from

sky; father and witness went to bed again; father told witness not to tell any person what he saw, and he would buy him a new suit of clothes, and if he did tell he would kill him; it was day when he got up again, and was pretending to look for his mother; witness said, "try is she in the yard;" father told Power she was hanging; spoke in Irish to Power; did not give Power time to dress himself when he cut her down; brought her in and put her into the bed with witness; saw him running for the bread-knife to cut her down; she was quite dead; witness was in bed at the time; Jem Malone then came into the house with a bit of candle; his father went to him for a bit of candle, and returned with Malone. Paddy said to father, "You'll be settled for not leaving her in the yard till the people saw her." Malone asked what ailed my mother; heard father say to Malone he got her dead at the fire-place: father then went out and called more people, and called his mother's uncle, Paddy Fitzgerald, Nancy Toole also came towards house; Fitzgerald did not come into the house; Nancy Toole did; she saw the body of my mother; she asked what happened, father told her she hung herself; is sure he told Malone he found her dead at the fire; father told the people she cut him in the face with her nails; he told the people she hung herself; saw his mother cut his father's face for preventing her going out; after she came in she was staggering; this was before father struck her with the whip; saw neighbours come in that morning, who said the rope was rotten, and would hardly hang a cat; Mrs. Cashin said this; father said to

witness not to tell any one, and threatened to kill him if he did; was examined at Mayor's office; did not tell the same story there; was afraid to tell; told the mayor she hung herself; the mayor asked what was the nature of an oath; could not tell him, and was not sworn; father gave his mother a clout in the face the night of the wake; he also tried to hang himself; was choking himself with a handkerchief in the bed; a butcher cut the handkerchief, his name was Stephen Bryan; father one night went to the river, and thought to bring witness with him: people said it was to drown himself; and prisoner wanted witness to go with him to John's river; this was after his mother was buried.

This witness was ably cross-examined by Counsellor Harris, but did not in any way contradict his direct testimony, and the only curious circumstance was the following:—

Saw the shape of a devil on the wall the morning his mother was dead; it had one leg like a bawn, and the other like a man; its head was divided, and had two horns stuck upon its head; shewed it to his father, but he said he did not see it; saw this after his father cut her down; saw a white and a black thing; the white thing had a hump on its back, and went out of the door; did not tell Dr. Jones of the devil, told the neighbours of it, and to the police-sergeant; witness seeing the devil that morning was as true as all the rest he told.

James Malone corroborated the boy, and proved that the beam would not support any weight without falling.

Joseph Walsh proved the pri-

soner told him his wife died in her liquor, and afterwards that she hung herself; and that it was impossible, the cord being in a rotten state, she could have hung herself with it.

Ann Toole proved she examined the deceased, and found a mark round her neck and under her chin, and that the cord was so rotten, she broke it without difficulty.

After the examination of Dr. Briscoe, Bridget Connors, Mary Cashin, Dr. Jones, and Patrick Power,

The learned judge charged the jury at great length.

The jury retired, and, after consultation, brought in a verdict of *guilty*, but recommended Carty to mercy on account of the habitual drunkenness of the deceased, and considering him excited at the time.

The learned judge, after an impressive address, sentenced the prisoner in the usual way to be hung, on the 28th day of August following.

20. MARSHAL SOULT'S VISIT TO THE MANUFACTURING DISTRICTS.—Marshal Soult, with his son, the Marquis of Dalmatia, and a party of French gentlemen, set out from London, about half-past four in the morning, by the Birmingham railway. They reached Denbigh hall, forty-eight miles from London, in an hour and thirty-five minutes. From Denbigh hall they were conveyed in carriages to Rugby; stopping at Weedon barracks to breakfast with the officers. At Rugby, the party remained about an hour. The distance from Rugby to Birmingham, twenty-nine miles, was performed on the railway in an hour and one minute. They

then proceeded by the Grand Junction railway to Manchester; which they reached at twenty minutes past two; the entire journey from London having been performed, including the delays on the road, in exactly ten hours, the time promised by the directors.

His Excellency proceeded the day following to Liverpool. The journey, thirty miles, was performed on the railway in thirty-five minutes. After visiting the docks and shipping, and making an excursion to the Menai bridge, the Marshal and his party were conveyed, by means of a special train, to Wolverhampton; which they reached in two hours and a half—the distance being seventy-two miles.

On Monday his Excellency visited the iron-works, collieries, and Dudley-castle; and then proceeded to Birmingham. Here he went over the principal factories, especially those for making guns, and returned to London on the 24th by way of Kenilworth, Warwick, and Leamington. At all these places the Marshal received every mark of attention and respect, both from the public authorities and private individuals. Indeed his reception in every part of the country was marked by a species of enthusiasm which it would be difficult adequately to account for.

21. CROWN COURT.—ROBBERY.—William Adams, aged 18, was placed at the bar charged with stealing a pocket-book, four 5*l.* bank notes, and other articles, the property of his father, Thomas Adams; for whose murder (it will be seen on reference to an earlier part of this work) he had been at the spring assizes, tried and acquitted. In order to connect the prisoner with the robbery in ques-



tion, the principal witness was one James Fuell. This man swore, that being a companion of the prisoner in Aylesbury gaol in February previous, he had several conversations with him respecting the death of his father. The prisoner said he went to the cowhouse and found him lying dead on his back, and that he took his pocket-book containing bank notes and papers out of his pocket. He then rode home and put the property in a box-hedge, and on the following morning he removed it, and placed it in a hole in the roof of the privy. His father's purse, containing sovereigns, he buried under some dahlia roots in the garden. Witness told the prisoner he was going to send to his brother for some money for his defence, when the prisoner replied, "I'll tell you where there is some, and I'll write to your brother all about it." He then sat down and wrote two notes to the brother of the witness, which were given to that person when he came on a visit to the prison. On his cross examination the witness said he had been in prison five times, and at the last assizes was transported for seven years for felony; but he had received her Majesty's pardon in order to enable him to become a witness on this trial.

Robert Fuell, brother to the last witness, proved receiving two notes. He did not know by whom they were written. His uncle and others read them. One contained directions for finding the pocket-book containing the money. The other note ran thus: "The man you have got in hold for the murder of Mr. Adams, did not do it; let them as done the deed find it out." At this time the prisoner was in Aylesbury gaol, on the

charge of being his father's murderer. The witness was directed after securing the money, to put this latter note into the pocket-book, which was to be dropped in the street at Wing. He told two persons, named Shackle, and one Armstrong, what the notes were about; and he and those persons at the latter end of February arrived late at night at the Red Lion at Tring. Here the landlord, Mr. Price, overheard a conversation between them, relative to their going to Wing to get "old Adams's pocket-book." Mr. Price lost no time in communicating this news to a Mr. Jackson, and on the following day those two persons went over to Wing and saw a Mr. Fountaine, one of Adams's executors, to whom they related the conversation. Mr. Fountaine went immediately to the privy alone, and there, in the place where Fuell had stated the prisoner's note said it would be, he found the pocket-book of the murdered man, containing four 5*l*. notes and other articles. Being a relation of the prisoner's, he locked up this important parcel, and did not produce it to any one, or even himself look into the pocket-book, until after the trial and acquittal of the prisoner of the murder. He then gave it up to the magistrates, and stated all he knew about it.

This was the substance of the evidence for the crown. In his defence, the prisoner called two witnesses, who swore to James Fuell's having, on several occasions, confessed to them that he had made this charge against young Adams in order to escape free himself. These two worthies, like the principal witness for the prosecution, had been many times in gaol for sundry offences. Four persons, in addi-

tion to this evidence, swore that they had known James Fuell many years, and that he was utterly unworthy of any credit upon his oath.

Mr. Justice Park summed up the evidence. His Lordship did not forget to notice the extraordinary and, in some respects, improbable account, which James Fuell had given, and, in conclusion, entreated of the jury to give the case their calmest and most unprejudiced consideration, and to give the prisoner the benefit of any reasonable doubt which, after they had so done, might remain on their minds as to his guilt. The jury, after deliberating for nearly ten minutes found the prisoner guilty, and he was sentenced to transportation for seven years. The prisoner to-day, as on his trial for murder, showed the utmost indifference, and remained nearly unmoved throughout the whole of this painful investigation.

27. SINGULAR DEPRAVITY. — A very singular trial took place at the Cork assizes. A woman was found guilty of offering to sell a child, (which she had for some time supported out of charity,) for the avowed purpose of dissection. The medical man to whom she made the extraordinary offer, arranged a second interview, at which he had a policeman concealed. She entered again deliberately upon the bargain; whereupon she was taken into custody. It appears that she was perfectly sober, but she had made the unfortunate child drunk; and when it became alarmed and cried, she urged the doctor to give him something at once that would settle him, telling the poor creature that the gentleman would give him something sweet. She was found guilty. Death is the penalty provided by

the statute. The judge, however, held out hopes of mercy. We do not exactly see on what grounds.

28. THE ALLEGED ROBBERY OF TWELVE THOUSAND SOVEREIGNS.—LIBERATION OF MR. THOMAS ROGERS FROM NEWGATE.—This gentleman, who had been committed to Newgate, about a month previous, on suspicion of an attempt to defraud his creditors, by pretending to have been robbed of the enormous sum of 12,000*l.* in sovereigns, together with the ledger containing his accounts; was now liberated through a supersedence of bankruptcy. It appears that his friends came forward in consequence of the decision of the court of Bankruptcy, “that his liberation would only be allowed upon satisfying his creditors in full, and paying all the liabilities.”

29. POISONING.—At the Lincoln Assizes the boy Kirby, who, as we have before noticed, was committed to gaol on a charge of poisoning his master, John Bruce, a butcher; was sentenced to death and left for execution. Many petitions were sent to Lord John Russell, for a respite; which was granted, on account of the prisoner's youth; and subsequently his sentence was commuted to transportation for life.

30. INQUEST ON THE BODY OF A MAN SUPPOSED TO HAVE BEEN DEAD TWO HUNDRED YEARS.—An inquest was held upon view of the body of a man unknown, found in the bog of Munnifeugh, in the barony of West Muskerry, Ireland.

According to the deposition of Thomas Walsh, farmer, it appeared that he had seven or eight labourers employed on Wednesday, the 25th day of July, cutting a fresh trench in the bog of Munnif-

feugh, who having gone about four and a half sods deep, two of them discovered about nine or ten sticks irregularly placed upright in the bog. On going a sod deeper they found a large stone, which was about half a hundred weight. Anxious to discover the existence of some hidden treasure, they immediately removed the stone, and under it was another sod, on removing which they found the body of a man, placed on his back at full length. When discovered, the body was in a perfect state of preservation, with a cap, as Walsh said, on the head, but which, most probably was the scalp. Walsh took the length of the body at the time, and, as accurately as he could state, would say it measured about six feet. The place where the body was found presented no appearance different from the surrounding portion of the bog, and it did not appear to have been disturbed at any recent period. This place had the name of Knuckpa-gree-a-Deuaha Looney, or "Looney's Mount," and a rumour existed in the neighbourhood that the spot obtained this name from the fact that a man named Denis Looney, who hanged himself on the same land, had been buried there. Mr. Walsh also stated, that this occurrence took place far beyond the memory of the oldest inhabitant of the surrounding neighbourhood.

From the examination of another farmer, named Jeremiah Keleher, who swore that he was about sixty years of age, and that he had lived in the neighbourhood of Muunifeugh bog ever since he was born, it appeared that he had been in the habit of cutting down grass on the particular spot where the body was found for years back, and that

he never remarked any difference between its surface and that of the contiguous portion. He also swore that he had often heard his father say, that he had heard from his father, that there was buried about that spot a person named Denis Looney, who had hanged himself; and also, that he heard an old woman of the name of Judith Carroll say, that she had heard her father say, that his father had acted as one of the jurors on the inquest upon the body of Denis Looney, who she heard was buried convenient to the spot where the body was found.

The medical gentleman who was examined upon the occasion stated, that he found the body with the face much disfigured, the bones of the skull separated, the chest laid open, the muscles of the upper and lower extremities presenting an ossified appearance, and the integuments and muscles of the back in some degree presenting their natural condition. The bones, when handled, were converted into pulverizable matter, and from the appearances presented, he believed the body must have lain in the bog for a series of years. It appeared that the disfigured state of the body was produced by its having been carried about with spades, as the country people would not put their hands near it, it being to them an object of superstitious terror, and that every part uninjured was in a perfect state of preservation.

Mr. Baldwin, the coroner, stated, that he stood upon the abdomen, and that not the slightest impression was produced, and also that when he struck the thighs with considerable force with a stout cane, it rebounded, as if from some strong substance. On raising a

portion of the integuments from the upper part of the chest, the bones and muscles appeared to him as if the body had only been a few days buried, and the whole body felt as hard and firm as a solid rock.

From all the circumstances detailed above, we may naturally conclude, that the body was that of Denis Looney, and that it must have been buried for nearly 200 years. The woman mentioned in Keleher's deposition is said to have been 90 years of age.

It is a well ascertained fact, that bogs contain a large portion of tan, and, it appears, that formerly they were used for the purpose of tanning before that art arrived at its present state of perfection. It is, therefore, more than probable, that this body was undergoing a slow process of tanning, which would easily account for the high state of preservation in which it was found.

31. MARQUIS OF WATERFORD.—At Derby assizes, came on an indictment charging the Marquis of Waterford, Sir F. Johnstone, bart., Hon. A. C. H. Villiers, and E. H. Reynard, esq., with a riot and assault. On the 5th of April, 1837, were the Croxton Park races, at the distance of about five miles from Melton Mowbray. The four defendants had been dining out at Melton on the evening of that day; and about two in the morning of the following day, the watchmen on duty, hearing a noise, proceeded to the market-place, and near Lord Roseberry's house saw several gentlemen attempting to overturn a caravan, a man being inside; the watchmen succeeded in preventing this, when the Marquis of Waterford challenged one of them to fight, which

the watchman declined. Subsequently hearing a noise in the direction of the toll-bar, they proceeded thither, and found the gate-keeper had been screwed up in his house, and he had been calling out "Murder!" On coming up with the gentlemen a second time, it was observed they had a pot of red paint with them, while one carried a paint brush, which one of the constables wrested from the hand of the person who held it; but subsequently they surrounded the man, threw him on his back, and painted with red paint his face and neck. They then continued their games, painting the doors and windows of different persons; and when one of their companions (Mr. Reynard) was put in the lock-up, they forced the constable to give up the keys, and succeeded in getting him out. The jury found the defendants (who were all identified as having taken part in the affray) guilty of the common assault, and they were sentenced to pay a fine of 100*l.* each, and to be imprisoned till such fine be paid.

— RIGHT OF NAVIGATING THE RIVER CAM.—At Cambridge Assizes a case occupied the court which excited the greatest interest, as it involved the question, whether the river Cam were a public navigable stream, or whether the lord of the manor had the right of stopping the navigation. The jury decided in behalf of the public.

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## AUGUST.

1. SEIZURE OF A STEAM ENGINE FOR POOR-RATES.—A novel stoppage of the railway train took place near Walsall, in Staffordshire.

The parochial authorities had thought proper to assess the company, in respect of their road, towards the relief of the poor ; but the company, not being satisfied of their liability, demurred to the payment. In consequence, a warrant of distress was obtained from a magistrate, and the broker, with his assistants, stood in the road, with handkerchiefs in their hands, and intimated the absolute necessity of stopping the engines. The guard, ignorant of the cause, and conceiving it was an intimation of some impending danger, stopped the engine, and it was instantly seized for the disputed rate, and one of the carriages was ultimately left in pledge to meet the demand.

6. GREAT RADICAL MEETING. —A great meeting of the working classes of Birmingham, for the adoption of the National Petition, was held at Holloway Head. Delegates from London, Liverpool, Leeds, Manchester, and other places in Lancashire and Yorkshire, attended. The procession, which displayed numerous flags and banners, with characteristic devices and inscriptions, and was attended with bands of music, moved in excellent order from the town to the place of meeting, about a mile and a half north-west of Birmingham, where a long line of hustings had been erected for the occasion. This spot seems peculiarly adapted for the gathering together of immense masses of men ; for it consists of an almost complete amphitheatre, three-fourths of the circle at least being formed of a gentle ascent, and having at its base, along which the hustings were placed, an extended line of upwards of half a mile. There were at least two hundred thousand human beings ranged one above another

to the very brow of the hill, where the flags and banners were planted and floated in the air.

Mr. Attwood, M.P., having been called with acclamation to the chair, commenced by calling upon the assembly to uncover their heads, and join him in a short prayer for a blessing upon them and their righteous cause, after which he proceeded to address them in his usual style of inflammatory declamation.

He was followed by Mr. Scholefield, M.P., who moved the appointment of delegates to attend a general convention of the industrious classes, to be assembled in London for the purpose of adopting every legal measure necessary to induce Parliament to carry the great objects of the national petition into a law.

The motion was seconded by Mr. Fergus O'Connor, in a violent speech. Its tone may be judged of by the following stanza, which he introduced in the course of his harangue—

“ On with your green standard rearing,  
Go flesh every sword to the hilt;  
On our side is virtue and Erin,  
On your's is the *parson* and guilt.”

The resolution was agreed to, as was also the adoption of the national petition. The objects of the petitioners are shortly summed up in its concluding paragraph, which we subjoin.—

“ May it, therefore, please your honourable House, to use your utmost endeavours, by all constitutional means, to have a law passed, granting to every male of lawful age, sane mind, and unconvicted of crime, the right of voting for Members of Parliament ; and directing all future elections of Members of Parliament to be in the way of secret ball ot ;

ordaining that the duration of Parliaments so chosen shall in no case exceed one year; and abolishing all property qualifications in the members; and providing for their due remuneration while in attendance on their parliamentary duties.—And your petitioners, etc.

— REMARKABLE COINCIDENCE

—It may here be mentioned as worthy of record, that on the same day, and indeed at the same hour that the above mentioned spouting operations were in process at Birmingham, an elemental phenomenon of the same denomination, though of a less inflammatory nature, visited Scotland. We allude to a *water-spout* which broke with destructive violence upon the barony of Foswell, in the parish of Auchterarder, between the hours of one and two o'clock in the afternoon. The rain was falling heavily during the morning, and about the time mentioned a sudden darkness overspread the barony, from Foswell-bank to Carlounie, its western extremity, more than half a mile, and torrents of water descended, accompanied, not by common hailstones, but pieces of ice as numerous as hailstones, some of which were as large as partridge eggs. The scene was awfully terrific; and the view from Auchterarder grand beyond description, exhibiting the whole land, above half a mile in breadth, and three quarters of a mile in length, as one sheet of water, rushing down the declivity, sweeping every thing before it, filling up every ditch and hollow to a level with the surface, with stones, earth, gravel, &c. The descent of the water-spout lasted from fifteen to twenty minutes; and the hail, or masses of ice,

continued to fall fully three quarters of an hour longer. The damage done to the crops was, of course, very great. The whole soil, in some instances, was swept away; while the masses of ice completely cut up the oats, barley, and pasture grass to the very roots.

— NAPLES.—Extract of a letter dated Naples, August 6th.—“On Wednesday last, Aug. 1, there was a very magnificent eruption of Vesuvius. On the same day the Queen of Naples presented the King with a son. The coincidence will doubtless serve the turn of the Neapolitan laureates. On Wednesday, at midday, there were three streams of lava over the old pathway up the cone. On Thursday also, at midday, a fresh flow of lava took place over the same ground. On Thursday night I went up alone by a road of my own exploring. It was the finest night of the three—viz. Wednesday; Thursday, and Friday; and the stones were more celestially inclined than I have ever seen them, excepting on the 1st of April, 1835. There was an electric fire flying between the two mounts (situated very close to each other, and near the centre of the interior of the great one), and the roaring was louder than I ever heard it. On Saturday it began to decrease, and yesterday the lava no longer flowed from above.” After several days’ repose, a fresh eruption took place, which was preceded by a long column of smoke, and then commenced with an unusually loud noise. At last, a murky red flame was perceptible, and a quantity of scoria, accompanied with ashes and a, was vomited forth from the crater, which had b )



the 2nd. The volcano was still working on the 11th, and from the state of the atmosphere and other indications, some remarkable phenomena were expected. The inhabitants of the villages in the vicinity of Vesuvius were all on the move with their valuable effects.

**8. CHARGE OF BIGAMY.**—At Maidstone, John Alexander Willmet, aged 22, was charged with having married Eliza Crisp, his wife being alive. For the prosecution the parish-clerk of St. George's, Hanover Square, was called, who proved that on 6th of April, 1837, the prisoner was married to Hannah Hodgson, the first wife, she being at the time in the King's Bench. Eliza Crisp, the second wife, was then examined, and said—I have been acquainted with the prisoner for five years; when I first knew him he was living in Rochester. At that period he made proposals to me. They were not disapproved of, but we were not then married in consequence of some improper conduct on his part. He soon after left Rochester, and after an absence of about two years, returned last December, when he renewed his proposals to me, which I accepted. I was married to him on 13th of January, in the present year. Three weeks afterwards I was informed that he had another wife living, and he soon left me, and went away.—This was the case for the prosecution. Mr. Clarkson, for the prisoner, then said, that it was undoubtedly true, that the prisoner had been married to Mrs. Hodgson, in April, 1837, and equally true that he had been afterwards married in January, 1838, to Miss Crisp. But, notwithstanding, he would show

in the clearest manner, that the first lady was not his wife in law, inasmuch as her former husband was living, even at the present time; the prisoner having married her under the impression that she was a widow. A few weeks after the marriage, her husband called at the house where she was living with Mr. Wilmett, and claimed her; she refused to go away with him, and said she would only live with the prisoner.

Witnesses having been called who proved the above facts, Lord Denman recapitulated the evidence, and said that it would be for the jury to say whether they believed the testimony of the witnesses called in the defence; if so, there could be no doubt of the first marriage not being valid in law.

The prisoner was accordingly acquitted. The mob, however, whose indignation is generally excited by cases of this description, was not disposed to let him off so easily, and on his visiting Rochester shortly after, accompanied by Mrs. Hodgson and his father, a crowd collected, who began handling the two gentlemen very uncereimoniously, both of them being knocked down and pelted with mud, struck over the head with sticks, their clothes torn off, their watches and money stolen, and every insult possible heaped upon them. A large number of old women assembled in Ironmonger-lane, whither the crowd would have taken the Willmetts but for the interference of the police, for the purpose of putting them into a stagnant ditch. On arriving opposite the Bull Hotel they were nearly torn away from the police, and Willmett managed to run up the Bull yard, where he was followed, and only escaped with his

life by climbing over a wall ten feet high.

— **MURDER.**—At Warwick, W. Devey, aged 28, was placed at the bar, charged on the coroner's inquisition with the wilful murder of J. Davenport. The prisoner was a person of some respectability in trade at Birmingham, but at the Warwick Assizes last spring an action had been brought against him for seducing an apprentice from the employment of his master, in which action a verdict was passed against him. The proceeding had irritated him, and he had been heard to threaten the unfortunate victim of his revenge, whom he considered in some degree as being instrumental in the law proceedings and its consequences, but no notice was taken of his threats. He, however, purchased pistols, and it was proved actually practised shooting for some short time at a mark; and falling in with Davenport a day or two after the termination of the Assizes, he discharged one of the pistols with fatal effect. Mr. Hill, on the part of the prisoner, called witnesses to prove Devey insane; but none of them were prepared to go the length of saying they had seen any symptoms of insanity previous to the commission of the offence, though one went so far as to say that it was two days before the prisoner could be made to believe he had killed Davenport. The jury found him Guilty, and sentence of death was pronounced. The sentence was afterwards carried into execution.

— **CHARGE AGAINST THE COAST GUARD.**—A short time back complaint was made at the Mansion-house, by a Mr. Barlow Moore, of gross outrages committed towards him by a party of the water-

guard stationed at Gravesend. The complaint of that gentleman was, that upon one occasion his yacht had, without any justifiable grounds, been fired at with ball no less than eighteen times, from a boat belonging to the coast-guard station in question. These circumstances being brought under the notice of the Treasury, an inquiry was directed, and an officer of the Customs sent to Gravesend to examine witnesses. Upon a consideration of the evidence, the Lords of the Treasury came to the decision that the officer in command of the boat from which the shots were fired should be immediately dismissed.

9. **TRIAL OF COURTENAY'S FOLLOWERS.**—The trial of the prisoners engaged in the Canterbury riots commenced at Maidstone, before Lord Denman. The first who were put to the bar were Wm. Price and Thomas Meers *alias* Tyler, charged in the first count of the indictment with aiding and abetting John Thom, *alias* Courtenay, in the murder of Nicholas Mears, at Ville Dunkirk, on the 31st of May. The second count charged the prisoners with being principals in the murder. The evidence was conclusive against the prisoners; but it also was proved that they acted under the extraordinary influence of Courtenay without malicious intent, though regardless of consequences. Lord Denman charged the Jury, that if they were of opinion that Thom was of unsound mind, so that if he had been put on his trial he could not have been convicted of murder, the prisoners being acquitted the accused must also be acquitted, if the prisoners could not be found guilty on the first count. But

second count, the evidence was strong against the prisoners; who were guilty of murder, if the Jury thought that they armed themselves with dangerous weapons, reckless whether death might ensue in resisting a lawful authority, and death had ensued with their co-operation.

The Jury retired from court; and in about twenty minutes brought in a verdict of "guilty" on the second count, with a strong recommendation to mercy on account of the infatuation under which they were led astray by Courtenay. Lord Denman immediately pronounced sentence of death, but added that the lives of the prisoners would be spared. Tyler, a fine-looking man, and evidently an enthusiast, exhibited great firmness. Price trembled so much that two men were required to support him in the dock.

Next morning, the other prisoners, eight in number, charged with the murder of Lieutenant Bennett, pleaded "guilty." They were sentenced to death, with an intimation that their punishment also would be commuted. This was subsequently done as follows:—Thomas Mears, otherwise Tyler, and Wm. Wills, were sentenced to be transported for life; Wm. Price to be transported for ten years; and Edward Wraight, Alexander Foad, Edward Curling, Thomas Griggs, Richard Foreman, and Charles Hills, to be imprisoned for one year, and kept to hard labour in the House of Correction, one month in solitary confinement. A pension of 40*l.* per annum was given by Government to the widow of the constable, Mears, who was shot by Courtenay, in the execution of his duty.

14. VICTORIA STEAM EXPLOSION.—The investigation into the cause of the late melancholy accident on board the *Victoria* steamship, which had been repeatedly adjourned, and occupied many days, was brought to a close after an immense mass of evidence had been gone through. John Corde-  
now, the only survivor of the firemen and engineers, who, although severely injured, was able to attend, underwent a long examination on the present occasion, of which the following are the principal points. Witness had been third engineer at the time of the accident. He attributed the explosion to the weakness of the boilers; and he likewise thought it was wrong for the pilot to give three orders—"ease her," "stop her," and "back her," in one moment. There had been no quarrelling among them. There had been a great difficulty of getting up steam from want of draft in the two fire-places. The fires had been urged throughout the voyage to get up the steam. The number of strokes the engine made was from fourteen to sixteen or seventeen per minute. Never saw the boilers red hot. Was never certain how much water was in the boilers, as the solid body of water being nearly as low as the lowest guage cock would sometimes bubble up to the highest guage-cock, and the engineers could not tell where the water was. Thought the water spaces were too narrow. Was quite sure there was plenty of water in the boilers at the time when the accident occurred. Could never depend on the guage-cocks. Was always in fear of the boilers, but thought there was no real danger as long as there was plenty of water in

them. The other engineers had the same feeling, and were examining them every three minutes at most. Has known the water to lower from the top guage to the second in less than five minutes. Has not measured what quantity of water the boilers could contain. Witness was in the habit, with the other engineers, of regulating the feed. The captain very often visited the engine-room, which was not usual in other vessels. Furnace-plates of other boilers were generally half an inch in thickness. Witness never saw any so thin as the *Victoria's*, which are about a quarter of an inch. After the production of some evidence on the part of the Steam-boat Company, with a view to invalidate the testimony of the last witness, the coroner summed up at great length. In the course of his speech he observed, that if the jury should condemn the principle of the boilers, and they were again brought into use, he would not say that the parties so using them would not be liable to a charge of manslaughter, should another fatal occurrence take place. He did not think the captain or the pilot had neglected their duty. As to the general sufficiency of the engines and boilers, there were nine witnesses in favour and six against it.

The jury adjourned to consider of their verdict. On their return Mr. P. Mellish, the foreman, said, that he spoke the feelings of the jury when he said that he never saw a steamer fitted up with greater splendour than the *Victoria*, or with greater attention to the convenience of passengers. He must, however, say, that he never saw a vessel fitted up with

so little regard to the comforts of the men who worked. In fact, the place in which they worked was a perfect Pandemonium. The verdict of the jury was, "That the construction of the boilers was unsafe, the water spaces too small, and the plates too thin, and that the death of Andrew Brown was accidentally occasioned by the explosion of the boiler on board the *Victoria* steam-boat, on the 14th of June last. The jury further considered that the engineers having no immediate control over the safety-valve in the engine-room, is highly reprehensible. The jury levied a deodand upon the boiler and steam-engine of the *Victoria* of 1,500*l*."

A few days after, similar verdicts were returned in the eight remaining cases, upon which Mr. L. Jacobs, the solicitor to the old Hull Steam Packet Company, applied to Mr. Justice Littledale for a writ of *certiorari*, to remove the case into the Court of Queen's Bench, on the ground that the deodand levied by the Coroner's jury on the engine and boilers was excessive. The writ was granted.

14. EMBEZZLEMENT OF CASH. —At Liverpool, John C. Peel was charged with having embezzled money to a very large amount, the property of the company of the Manchester Bank. It was stated by one of the directors of the bank in question that the prisoner had been in their employ as cashier for some years. On 31st of May last the cash which the prisoner had in hand was as usual examined with his accounts, the inspection, having, however, been dispensed with the preceding week, as he had professed himself too unwell to attend to

The examination began about five o'clock, and he was then sitting at his desk, busied apparently upon his accounts, when he suddenly complained of illness, and saying that he thought he should soon recover, immediately left the house and went home. The settlement of the cash was proceeded with in his absence, and it appeared that there was a balance against him of 27,992*l.* 3*s.* 10*d.*, while, reckoning up the amount of money, it was found that there was a deficiency of 1,038*l.* It was also afterwards discovered that no credit-ticket had been given for the sum of 300*l.* paid into the house by Messrs. Wrigley and Co. nor for another sum of 60*l.*, paid in by another firm. A clerk was immediately sent to the prisoner's house with this intelligence, but he only answered that it was very strange, and that he was then too unwell to attend to it. He, however, the same evening rode on horseback to Loughborough, in Leicestershire, a distance of nearly eighty miles; and it seemed, from a letter which he had written from that place, that he had there taken the name of Porley, and, leaving his horse, set out for London, whence he sailed for Rotterdam. In consequence of some information, an officer was dispatched in pursuit, who succeeded in apprehending him at Amsterdam, and bringing him back in custody to Manchester. The jury found a verdict of Guilty. The prisoner was sentenced to be transported for seven years.

15. LIVERPOOL. — CROWN COURT.—William Hodge was indicted for the wilful murder of Mary Moore, at a village in the neighbourhood of Manchester, on the 19th of June last.

The evidence in this case, was wholly circumstantial. The particulars of the murder we have before given. We will therefore only add for the better explanation of the present trial, that the deceased was last seen on her return from Manchester market by an old and very deaf man, named Mee, who said that he met her at a place called Moss-lane, within about ten minutes' walk of her destination. This witness accompanied her for a short distance towards her home, and left her at about ten minutes before two o'clock.

Eleanor Bunyon said, that she had seen the prisoner on the day of the murder sitting on one side of the lane at about one o'clock. She had been acquainted with him for some time previous, and he walked with her for about half a mile on her way to a village where her husband was at work.

Another witness stated, that he had met the prisoner about the same time in the lane, and had seen him leave the road and cross over towards the field in which the body of the deceased was found. A gardener who had been together with the deceased, in the employ of the same master as the prisoner, stated, that he had shortly before his dismissal, and only a few weeks before the murder, made a number of inquiries as to the amount of money which she was in the habit of receiving, the time at which she usually returned from Manchester, and the road by which she travelled; remarking, at last, that it was odd she was not robbed. This witness had, however, an old standing grudge against the prisoner, and had, since his examination before the coroner, made some additions

to his account of this conversation. Three witnesses employed in a rope walk in the immediate neighbourhood were then called, who stated that they had seen the prisoner about five o'clock on the evening of the murder in the field in which the corpse was discovered. He appeared to be in great agitation, and they observed that he took out two packets wrapped apparently in blue paper, and afterwards thrust his hand repeatedly into the bank on which the hedge stood, as if endeavouring to hide something. He then went away, but again returned, and on the following morning being challenged by one of the men as a trespasser, went away, promising not to return. He was, however, again seen, crawling on his hands and knees up to the hedge, but was again interrupted before reaching it. They, fancying from his conduct that he had hidden something of value in the bank, searched the whole of it without success, but a boy named Swetman, after a more minute investigation found two parcels answering to the description the witnesses had given of them, each of which contained 30s. in coins of different value. They were both wrapped, in a blue and white check, and it appeared that the deceased had in her basket some check of the same description, which was found to be of exactly the same quality and colour. On the third occasion on which he was seen crawling towards the hedge he had a piece of blue paper in his mouth, of the same colour and texture as some which was found in the basket. Upon his apprehension he manifested no fear or embarrassment, and without hesitation gave the address of his lodgings, upon

searching which some check handkerchiefs corresponding with what had been found by the witness Swetman in the bank were discovered.

The mistress of the house in which he lodged said that he had been always a very regular man, but that on the night of the murder he had not returned until two o'clock.

(On behalf of the prisoner several witnesses were called with the view of shaking some of the previous testimony. The result, however, was by no means conclusive.

The learned Judge in summing up, warned the jury of the extreme caution necessary in deciding upon a case of purely circumstantial evidence like the present.

After a very short deliberation, a verdict of *acquittal* was returned.

15. DEVIZES.—CROWN COURT.—George Maslin was indicted for maliciously shooting Bryan Rumboll with intent to murder him.

Bryan Rumboll.—I am a farmer at Lyneham. The prisoner was a labourer in the same parish. I was at Calne market on the 17th of January last, and was returning home on horse-back in the evening between five and six o'clock. I rode up the first field, and when I came to the top of it, some hurdles were placed in the gateway; they were not there in the morning when I went through, but were in another place. I had put out my left hand to open the hurdle, when a gun went off, and my arm immediately dropped, and the horse galloped off, and went to Lyneham, where I got assistance. I lay in bed five weeks. I cannot

my arm,



**Cross-examined.**—I never had any quarrel with the prisoner. I was overseer about eight or nine years ago.

**Thomas Henley.**—I live near the last witness. I was returning from Calne market that evening and heard Mr. Rumboll had been shot. I found him at a neighbour's house, and I assisted him home. I then went to the spot where it had happened. Some snow had fallen that afternoon at half-past four. I observed some tracks about eighty-five yards from the spot where Mr. Rumboll was shot. I traced it half way towards the spot, and came to a plain mark of a footstep. I had a leather apron put over that mark. I then traced to a corner where the person appeared to have stood. There was the impression of a foot in the ditch. I then traced the marks from the spot, and about fifty miles off I found another plain mark, and I had that covered over with a gaiter. The shoe must have had a plate on the toe. I believe it to have been the left foot. I know the prisoner. He lives at Clack. I pursued the tracks across several fields. The man had not taken any path, but had gone across the fields to Lyneham. The tracks were all the same. No other party had passed. I pursued them to the road opposite Maslin's house.

**Enos Clarke**, a labourer, corroborated the evidence of the last witness, whom he had accompanied in tracing the marks. He and Thomas Prior a shoemaker deposed that they examined minutely the impressions in the snow, and compared them with some shoes of the prisoners, with which they were found exactly to agree.

**Samuel Eve.**—I am a London police-officer. I took the prisoner into custody on the evening of the 6th of February at his house. I told him I came to take him into custody, but did not say on what charge. Behind the door of the kitchen I found a gun, and on the shelf a powder-horn and a shot-belt, and some copper caps. I was about to take a small box when the prisoner said "You need not take that, as it is only tobacco."—upon looking into it I found one bullet and some slugs but no tobacco. Under some wood in the kitchen I found a pair of old shoes. They appeared to have been recently worn. I took the prisoner to a public-house, and sat up all night with him. About six in the morning he said, "If any person says I shot Mr. Rumboll they are liars." I had not then told him on what charge I had apprehended him, and he added, "If I did shoot him, no one did not see me." I took the old shoes, and compared them with the pattern the shoemaker had made.

**Ann Guy.**—I was living with the prisoner; he came home at eight o'clock that evening; he brought the gun with him; he appeared to be in very low spirits. I asked him where he had been? he said to Henry Lewis's; and that he heard a gun go off towards the Goatacre-road. On the 16th of January the prisoner told me to get him some bullets. I got six, and gave them to him.

**Jane Wilkins.**—I live at Clack. The prisoner came to the house two days before Mr. Rumboll was shot, and borrowed a gun to shoot rabbits.

**William Ody.**—I am a labourer. I was in Marlborough gaol for taking a bit of wood in the hard

weather. I was in the same cell with the prisoner. I asked him what he came in for, and he said for stealing wood, but not altogether for that, but they thought he had shot Mr. Rumboll. I asked how they came to think it was him, and he said because of the shoes he had on that night; this was on the 9th of February. He said he had not worn that pair for twelve months, he said Mr. Rumboll was a bad sort of man to the poor. I said it was a wonder he had not been killed. He said they were in too big a hurry; they shot too quick; and that if it was him no one ever saw him; and he did not care, if they did not find the bullet mould; and as for his woman, he was sure she would not split; they had found half a bullet in his house.

James Franklin who had also been in Marlborough gaol for wood-stealing deposed to having had a similar conversation with the prisoner.

Joseph Smith.—I am a labourer and sometimes worked with the prisoner. I remember his telling me many times that Mr Rumboll was an ill man, and that if he saw him in a ditch he would not help him out. That was more than two years ago.

Henry King, surgeon.—I attended Mr. Rumboll; I found his arm was broken and wounded; the ball had passed quite through his arm, I found the bullet in his flannel-sleeve; it was half a bullet; he will not have the use of the arm again. I did not consider his life in danger.

This was the case for the prosecution.

No witnesses were called on behalf of the prisoner, but his counsel submitted, that as the

first count stated, "the prisoner with a bullet inflicted a wound, that wound being a bodily injury, dangerous to life, with intent to murder," it was necessary to prove that the wound was dangerous to life; whereas it was not actually so.

The learned Judge, however, said he thought differently, and in summing up, observed, that the statute provided, that any person who stabbed, cut, or wounded another, although such wound, &c., should not be dangerous to life, should suffer death. If the Jury were of opinion that the wound was inflicted with intent to murder, that would support the capital charge; but if it was inflicted only with the intention to do some grievous bodily harm, the punishment would be transportation for life.

The jury having consulted together for a short time returned a verdict of *Guilty*; upon which, sentence of death was pronounced. The wretched prisoner was executed on the 6th of September following, having previously made a full confession of his guilt.

18. BRITISH ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE.—The eighth meeting of this association was opened at Newcastle on Saturday the 18th, and lasted a week.

The Earl of Burlington, the President of last year, being absent, the Duke of Northumberland was called to the chair. The general meeting of the association assembled on the Monday evening in the Central Exchange, when there were more than 3,200 persons present. It appeared from the report of the treasurer, that the receipts for the past year

amounted to the sum of 2,410*l.* 13*s.* Among the numerous papers read in the successive sittings, many were of high scientific interest.

23. INHUMAN MURDER. — The following harrowing details of a murder, came on this day before the central criminal court.

Clarke, the mate, and Mitchell, the cook of the vessel, *Eleanor*, from Quebec, were put to the bar, charged with the wilful murder of a seaman, named Benjamin Driscoll, otherwise Yarmouth, on the high seas, on the homeward voyage to London.

S. Carty, a seaman on board the *Eleanor*, deposed, that on 14th July it was his watch on deck. The prisoners, and a man named Bill, and a boy called Jack, were in the same watch. It was the deceased's watch below, and he ought to have gone to his hammock, but the mate detained him on deck, and made him walk about with a handspike on his shoulder as a punishment. Towards three o'clock the mate said, if Yarmouth would sing a song, he would let him go below to his berth. Yarmouth did sing, and the mate then laughed at him, and said he should remain on deck. Yarmouth said he was very tired, and wanted rest; and offered to receive half-a-dozen stripes, with a rope, from the boy Jack, if he were allowed to go below. He said he did not care whether it was a rope or a handsaw, and he would receive the punishment on his back without flinching, if the mate would only allow him half an hour's rest. The mate said he should not have the rope's-ending, unless he took off his trousers. Yarmouth at last said, that to get below for twenty minutes, or half an hour of rest,

he would submit to anything. The mate then sent the boy Jack for a point (a strong rope, tarred at the end) to flog the man with. The mate told the cook to hold Yarmouth over the windlass end. The mate hauled Yarmouth's trousers down, and the cook held him over the windlass end, and the mate punished him across his posteriors. The mate after that laughed at Yarmouth, and would not let him leave the deck, but sent the boy down for eight or nine nettings, (small twisted lines, whipped at one end, with which the hammocks are made fast). The nettings were brought, and the deceased was again held down by the cook, while the mate punished him across the bare posteriors and loins. At four o'clock in the morning witness's watch on deck was relieved, and he went below, leaving the deceased on deck. He saw no more of him until between seven and eight o'clock, when he heard the captain call out, "Yarmouth," and ordered the second mate to send a rope down to haul him up, as he was stiff. When he went upon deck at eight o'clock, the deceased was brought on the deck, stiff, and dying. He was laid on the quarter deck. He was not dead, but could not move or speak. He had only his shirt and trousers on. The mate rubbed him on the side, which appeared like a bullock's liver.

Captain Clark, the master of the *Eleanor*, here said, that this was occasioned by a fall. It appeared, however, that none of the seamen saw the fall spoken of.

The deceased was taken below, and died at half past four o'clock in the afternoon. He was brought up between six and seven o'clock,

sewed up in his hammock, and launched overboard like a cow or a horse. He (witness) requested that prayers might be read over him, and asked for a prayer-book to read the burial service for the dead, but the master abused him, and would not give him one. The deceased was in good health from the 21st of June until he was killed. He never saw him in better health than he was on the morning of the 14th, before he was flogged. The deceased was on deck from twenty to twenty-four hours, without going below, before he was punished.

C. Cummin, a seaman, after repeating the same facts as the last witness, proceeded as follows:—After Yarmouth had been flogged a second time, he said he would sing another song, or do anything, to be allowed to go below, but the mate would not let him. The poor fellow was very weak and cold, and the mate said he was fainting, and told the boy, Jack, to get five or six pints of salt-water out of the stink tub. The boy got some pannikins of water, and threw them over the dying man. The boy, Jack, also got some fowls' dung, which he placed on a stick, and rubbed it on Yarmouth's lips, while in this dying state. At about half-past eight or nine o'clock, Yarmouth, who had been taken down, was almost a corpse, and the captain ordered him to be carried on deck, that the air might do him good. At this time he could not move hand or foot. He had a swelling on his belly. The mate rubbed him with a drop of spirits, but it was all in vain. The mate laughed and joked about it, and said it was the cramp.

The question was put, "Where

was the captain all this time?" (We should state that the captain was father to the prisoner, Clark) —Witness: He was on deck, sir, all the day, but not when Yarmouth was punished. After he was rubbed by the mate, the captain sent for a piece of flannel to put round his loins, and we took him below. His loins and posteriors were very black, and so were both groins. There was a great lump in his belly. I stopped alongside of him until he died, which occurred at half-past four in the afternoon.

R. Edgar, the carpenter of the ship, a very unwilling witness, was called, and with extreme reluctance, and many attempts to prevaricate, was obliged to corroborate the greater part of the foregoing evidence.

J. Beavis, an apprentice to the owners of the Eleanor, who gave his evidence with even more unwillingness than the last witness, was next called. It was this wretch who rubbed the dying man's lips with filth. He reluctantly corroborated the other evidence.

Mr. J. Evans, the principal surveyor of Thames police, stated, that in consequence of information, he apprehended the prisoners on board the Eleanor. The captain gave him the log-book, and the only reference he could find relating to Driscoll, was the following, which was in the mate's own hand-writing. "Sunday, July 5th, 1838.—The unfortunate Benjamin Driscoll departed this life, after a fall, which happened at half-past four o'clock this morning."

The above evidence, which had been given before the examining magistrates, was repeated at the

trial. The jury found a verdict of Manslaughter against Clark, and acquitted Mitchell.

We cannot discover that this shocking barbarity received any further punishment than a committal for three months to Brixton.

24. FRANCE. — BIRTH OF THE COMTE DE PARIS. — Her Royal Highness the Duchess of Orleans was happily delivered of a son and heir, at the Palace of the Tuilleries. It received the names and title of Louis' Philippe Albert, Count of Paris. The latter appellation was intended as a significant mark of the king's gratitude for the support afforded him by the good citizens of Paris since his accession to the throne. The municipal authorities presented the infant prince with a splendid sword. The king made several promotions of general and other officers on the occasion. Besides numerous other charitable donations by her royal highness, the Duchess of Orleans ordered that a *livret*, containing the receipt of 100fr. in the savings' bank, should be delivered to all children of both sexes, born in Paris on the same day as the Count de Paris.

25. DREADFUL FIRE AT MANCHESTER. — About twelve o'clock at night, the watchmen on the premises of Messrs. Macintosh and Co., manufacturers of the celebrated waterproof material for cloaks, discovered smoke issuing from one of the upper windows of the manufactory; he instantly gave the alarm, and the fire-bell had scarcely begun to toll, ere the fire brigade, accompanied by two engines, was on the spot. By this time, however, the flames had burst forth with alarming fierceness, and although the engines immediately commenced playing

on the building, in an incredibly short space of time the whole of the upper part was enveloped in one vast sheet of fire. The hose of one of the engines was passed up to Watson, a fireman, who, with great intrepidity, had mounted to one of the upper rooms, and he continued, assisted by several others, to play upon the burning pile beneath, but without much effect. In the adjoining room to that in which they were at work, was an immense cylindrical cistern, filled with a composition which, being reached by the fire, exploded with terrific violence; several of the men in the adjoining room being blown off their legs, and forced violently against the walls, by which many of them were severely injured.

About this time some one set the machine of the manufactory going, which, being placed in the upper part of the building, shook the burning pile from the roof to the foundation. A fireman, who was near Watson at the moment, feeling the boards under his feet trembling, exclaimed, "Oh, James (Watson) it's like to be all up with us." He had hardly uttered these words, and gone into the next room, before an awful crash was heard, and instantly following it, the whole of the flooring on which the machinery was resting, gave way, and poor Watson, together with the whole of that part of the building, was precipitated into the flaming abyss beneath! This was quickly followed by the roof, and as soon as the dense volume of smoke and dust had rolled away, the flames burst forth with redoubled vigour. It was not till three o'clock that the fire was anything like subdued. The most active exertions were then made

to give assistance to the unhappy sufferers, who lay buried beneath the ruins. At a quarter past three, a fireman heard some one groaning under a heap of burning materials, a portion of which being quickly removed, the head and shoulders of a poor fellow, named Jones, who had volunteered assistance to the firemen, appeared, covered up to the waist by a quantity of the fallen building. He cried out faintly, "Give me a drop of water! Oh water! Oh Lord! my poor wife and children!" The fireman procured him some water, and then turned round to speak to a person who stood only a few yards off, when a mass of rubbish again fell, completely covering, and killing the wretched man, already half-buried there.

After unremitting and strenuous exertions, the body of the unfortunate Watson was discovered; and, strange to say, although dreadfully crushed, yet, with the exception of his hands, his person did not appear injured by the fire.

Shortly afterwards the men engaged in searching discovered two other bodies. Besides these, many other persons were more or less hurt.

Not the slightest conjecture could be formed as to the cause of this lamentable fire.

— **MUTINY AND MURDER AT SEA.**—The brig *Hebden*, of Scarborough, Capt. W. B. Fowler, which arrived at Greenock on this day, brought two ladies and a gentleman, passengers, and two of the crew of the American brig *Braganza*, who were picked up at sea and taken on board, on the 12th instant, about 350 miles off the coast of Portugal, after having

been at sea in a small open boat for twenty-five hours. The persons thus providentially saved were G. N. Diehl, esq. of Philadelphia, owner of the *Braganza*, and his lady; the lady of Capt. A. F. Turley, late master of the brig; Mr. Moir, the second mate, and the cook of the *Braganza*. It appeared that there had been a mutiny on board the latter vessel, accompanied by circumstances of the most horrid cruelty:—The American brig, *Braganza*, of Philadelphia, which sailed from St. John's, Porto Rico, with a cargo of sugar for Genoa, put into Philadelphia in distress, and, having got repaired, sailed from that city on 8th July, with Capt. A. F. Turley, the first and second mate, six men before the mast, and the passengers above-mentioned. The following account of the transaction is given by Mr. Diehl:—"The brig proceeded on her voyage without any remarkable circumstance, until 5th August, when, at two o'clock, A.M., an alarm was given by the first mate, of a mutiny by the crew. "The captain and second mate immediately rushed on deck to his assistance; the captain had a cutlass, the second mate nothing whatever to defend himself with. They found the first mate lying at the cabin companion-way weltering in his blood; he afterwards succeeded in gaining the cabin. On the captain and second mate reaching the deck, they were immediately attacked by all the crew, who, being five in number, soon overpowered them; they threw the second mate over the side, but he fortunately caught a rope, and regained the deck again, and retreated to the cabin completely disabled. In the meantime, the



crew succeeded in overpowering the captain, and threw him overboard. They then closed the cabin-way and sky-light by nailing and placing canvass and heavy chains on them. The persons thus confined in the cabin were Mrs. Turley, the first and second mates, and myself and wife; the first mate had his face dreadfully cut, and his skull fractured, by two strokes on the head, and two on the shoulders, all apparently done with a hatchet. The second mate was completely disabled in the right arm by blows inflicted by a handspike. At eight o'clock in the morning, the crew, then in complete possession of the vessel, made preparations to close the cabin dead lights by slinging a plank over the stern, at which we remonstrated, stating that we should smother; they replied, that unless we gave up whatever they wanted, they would certainly do it. They then demanded the chronometer, sextant, and charts, together with all the money and jewellery we possessed, which were passed up to them through the cabin windows by means of a bucket. They also required that we should throw overboard all our fire-arms. We complied with this request, with which they became satisfied for a time.

They stated that they had no wish to injure Mrs. Diehl or myself, but declared their determination of sacrificing both Mrs. Turley and the first mate. On Tuesday, the 7th, early in the morning, we discovered a smoke in the cabin, which proceeded from the hold, which soon became so dense as to render it difficult to breathe. Upon our demanding the cause, they replied that they were satisfied that there was more valuable

property in the cabin, and, unless we gave it up, they were determined to smoke us to death. We made use of every argument to satisfy them that we had given them all, and finally succeeded; upon which they withdrew the fire from the hold, and the smoke soon passed away. Nothing further occurred until Saturday the 11th, when they called for me over the taffrail, and stated that there was a vessel in sight from the mast-head. They proposed that we should take the jolly-boat, and endeavour to gain her. To this I objected; as I did not believe there was a vessel in sight. I proposed that if they wished to save any of us, they should give us the long-boat, and we would run our chance. After a conversation of an hour or so, in which every possible argument was urged on our part, to induce them not to destroy us, they consented that we should take the long-boat, and run our chance of getting to land, then distant, as near as could be ascertained, about 350 miles, on the Portuguese coast. We could not succeed in inducing them to permit us to carry away the first mate. After about twenty-five hours sail we were taken on board the *Hebden*. The mutineers robbed us of nearly every stitch of clothes we had, except what we had on."

26. THE LATE FIRE IN THE TEMPLE.—DISCOVERY OF PLATE.—Amongst the many valuables lost on the occasion of the memorable conflagration in the Temple some months back, may be mentioned a large chest of plate belonging to Mr. Collett, whose premises, with others, were totally consumed. Notwithstanding every exertion on the part of that gentle-

man, his friends, and the firemen, no trace could be obtained of the property till about this period, when some gentlemen were in conversation in the shop of a respectable hosier of the name of Dalton, in the neighbourhood, and that gentleman produced a chest which had been left with him on the morning of the fire, but no owner had applied for it. The circumstance was communicated to Mr. Collett, and on a comparison of his crest with that on the box in Mr. Dalton's possession, the whole of the lost property was discovered uninjured. Mr. Collett, who had been paid for his supposed loss by the insurance company, instantly apprised them of the circumstance, and returned the sum they had allowed him.

— TRIAL AT PARIS.—A trial before the Royal Court of Paris excited the public interest of that capital to an extreme degree. Our readers may have heard of the attacks against M. Emile de Girardin for having set commercial enterprises on foot, and sold shares with the conviction that they were mere bubbles. M. de Girardin was acquitted. The present prosecution was directed against M. Cleeman, man of business to M. de Girardin, accusing him and others of having established a company for the working of the mines of St. Berain, which mines were a mere bubble. The whole force of the French bar was employed on either side. MM. Teste and Charles Dupin for the defendants; M. Odillon Barrot and the public prosecutor for the prosecution. The Court condemned Cleeman and Bluen to three years' imprisonment and 3,000 francs fine.

27. COURT MARTIAL ON GENERAL BROSSARD.—Considerable attention was likewise excited by the trial at Perpignan, of General Brossard, who was put under arrest in Algiers by General Bugeaud, and sent to France to be tried on charges of insubordination, malversation, and fraud. The result of four days' investigation was the acquittal of General Brossard on the main charges, and a verdict of "guilty of interfering as an officer with matters incompatible with his rank." The sentence was six months' imprisonment, a fine of 800 francs, with costs, and disqualification from all future employment. In the course of the trial, some disclosures were made highly disgraceful to General Bugeaud. It appeared that this person appropriated to himself large sums of money received from Abdel Kader and others in Africa. Inferior officers did the same in a less degree. In short, "the corruption" of the system pursued in Africa, was declared by the French journals to be "hidcous." The Council of Revision subsequently cancelled the sentence of the Perpignan Court-martial, and the affair must, therefore, undergo further examination.

28. DESTRUCTIVE STORM AND LOSS OF LIFE IN LANCASHIRE, YORKSHIRE, &c.—One of the most terrific storms of thunder and lightning that have been witnessed for many years, took place on the evening of this day. At Manchester two persons were knocked down, and one of them killed, by the lightning. At Leeds a man was struck blind. At Casworth Hall, near Doncaster, the electric fluid struck one stack of chimneys, dashing the masonry with great force on the roof. It

then descended into the interior of the house, marking its progress with considerable damage. At Tadcaster the storm raged furiously. Mr. Fox, agent to Mr. Gascoigne, and a friend of his, were riding near this place, when a flash of lightning more vivid than the rest, struck both their horses dead in a moment. The riders, however, were providentially preserved from the least injury.

The Royal Mail, on its way from York to Leeds, was overturned a short distance before its arrival at Tadcaster. The vivid glare of the lightning and the roar of the thunder so affrighted the horses, that they started off, ran the coach up an embankment, and it was instantly turned over. There were three inside and three outside passengers, besides the guard and coachman, all of whom, with the exception of the coachman, escaped unhurt. At Leek and Bradford some cattle were killed, and much injury done to narrow buildings. Several persons were thrown down by the force of the lightning and remained speechless for some time.

28, 29. THANKSGIVING AND REJOICINGS AT PARIS.—A Solemn Te Deum was performed at the Church of Notre Dame on account of the birth of the Comte de Paris. The King and Queen of the French, together with the other members of the Royal Family, the ministers and public functionaries, went in state to the Cathedral to assist at this ceremony. On the day following, the same happy event was celebrated by public fêtes, which terminated by a magnificent display of fireworks in the Champs Elysées, and other parts of the city.

29, 30. ROYAL EXCHANGE.—The second and last portion of the materials of the Royal Exchange was submitted to public sale by Messrs. Pullen and Son, by order of the Gresham committee, previous to clearing the ground for the new building. The sale included the lower part of the building, with all the shops on one side of Sweeting's Alley, which the recent Act of Parliament for rebuilding the Exchange empowered the committee to take down to enlarge the site. The statues of the Kings and Queens that were placed round the interior of the old building, and which were included in the catalogue, seemed to excite considerable interest, though sadly broken and mutilated. Queen Ann fetched 10*l.* 5*s.*; George II. 9*l.* 5*s.*; George III. and Elizabeth, 11*l.* 15*s.* each; Charles II, 9*l.*; and the others, sixteen in number, similar sums. The portico entrance next Cornhill sold for 275*l.* and the sale altogether produced about 1,700*l.*

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## SEPTEMBER.

4. ASCENT OF MONT-BLANC BY A LADY.—A French lady, named Dangeville, said to be a sister of the deputy for the department of the Ain, ascended to the summit of Mont-Blanc on the 4th inst. She quitted the valley of Chamonvi on the 3rd, at an early hour in the morning, slept at the Grand Mulets, and reached her perilous destination at 12 o'clock on the 4th. She remained on the summit of the mountain for about an hour, wrote some notes, and drank a health to the Count de Paris.

The guides by whom she was accompanied spoke in the highest terms of her courage, perseverance, and presence of mind. Previously to this successful trip, the feat had been accomplished only by one female, a peasant of Chamouni, who, on reaching the grand plateau, became exhausted with fatigue, and was carried by force to the summit. Mademoiselle Dangeville, on her return to the Chamouni on the morning of the 5th, was received with the utmost enthusiasm by the inhabitants, who proceeded to meet her, and fired salutes of cannon in honour of her exploit.

5. THREE CHILDREN DROWNED.—Three children of a Mr. Cape were drowned, when bathing near Watchet, not far from Taunton. The following account of the accident is taken partly from the evidence given on the inquest by Mr. Cape's maid-servant. About six o'clock on Wednesday evening, the witness accompanied her mistress and six children to the seaside to bathe; the eldest was about eleven years, and the youngest about eighteen months old. Having got on the beach, they bathed all the children, except one, when they saw themselves suddenly surrounded by the tide, which was that evening very high; and finding that it was impossible to retrace their steps to the shore, they got, at a short distance, on a rock, where Mrs. Cape and the servant laid hold of each other so as to protect the children, whom they had placed between them, to the utmost of their power, and succeeded in so doing for some time: but unhappily, the waves continued to increase in height, and the wretched mother had the misery to see three of the poor little crea-

tures overwhelmed and carried from them by the sea. The survivors remained upon the rock for nearly two hours afterwards. Mr. Cape having become alarmed that his family had not returned at so late an hour, (nearly ten o'clock,) but thinking they might have called at a neighbouring farm, sent his man-servant to meet them, who soon returned without obtaining any intelligence; upon which Mr. Cape went to seek them with a friend, and discovered the agonized mother with the surviving portion of her children, and her maid-servant, on the rock. With much risk they were approached, and at length safely landed. Thus perished the three poor children; only one of whom, Jane Pearse Cape, aged nine years, had been discovered at the time of the holding of the inquest. The ages of the two others were respectively five years and eighteen months. Verdict, "Accidentally drowned." The presence of mind of the deceased Jane was remarkable: she appeared fully aware of the danger which threatened them on seeing each approaching wave, and said, "Oh, mother, we shall never see poor father again; let us pray!" and distinctly repeated the Lord's prayer and creed. One of the children saved was thrown upon a rocky ledge, where it fell fast asleep.

6. FIVE CHILDREN POISONED BY THEIR MOTHER.—The wife of a labourer named Sanderson, living near Preston, poisoned herself and five young children, with arsenic put into a pudding. The family had suffered much distress, which seems to have driven the woman mad.

—SHIPWRECK AND LOSS OF LIFE.—The following particulars

of the loss of the steamer *Forfarshire*, on her voyage from Hull to Dundee, were communicated by Mr. Ruthven, of Ritchie, the only cabin passenger saved. The *Forfarshire* sailed from Hull for Dundee, at half-past six o'clock, on the afternoon of the 5th, along with the *Pegasus* and *Innisfail*, for Leith. Next morning, about four o'clock, the boiler became leaky, but it was partially repaired, and the steamer proceeded on her voyage, till she reached the mouth of the Frith of Forth, about ten o'clock in the evening. It then blew a heavy gale from the northward. The boiler, it would appear, had now become useless, the machinery stopped, and the vessel soon became unmanageable. It rained heavily, accompanied by a violent gale, with a heavy sea, and the vessel drifted towards the Fern Islands, on the outer one of which she struck, about three o'clock in the morning. The captain did not, from the state of the weather, know where he was, nor was danger apprehended until breakers were discovered, close under the lee of the vessel. As soon as the breakers were discovered, the steward went into the cabin to warn the passengers (who were all in bed) of the danger. They rushed to the deck, which the most of them must have reached before the vessel struck; but, as the steamer almost instantly after striking parted into two pieces, the whole of the cabin passengers, twenty-five in number, with the one exception, who, with eight of the crew, got on board of one of the boats, dreadful to relate, met a watery grave. Among the cabin passengers were several ladies. The crew consisted of twenty-two, ten of

whom and the captain were drowned. Five steerage passengers and four of the crew were taken off the fore-part of the wreck, in the course of the morning, by a boat belonging to the lighthouse on the island. The preservation of Mr. Ritchie and the eight men in the boat was remarkable. Observing the sailors lowering a boat and leaping into it, Mr. R., by means of a rope, swung himself into the boat. He had nothing on at the time but a shirt and a pair of trousers; and his employment, while in the boat, was bailing out water with a seaman's shoes for a *howskelly*. There was only one outlet by which the boat could escape the breakers, and that outlet was taken, without the parties being aware of it. They were picked up about seven o'clock in the morning by a sloop, and carried into South Shields. The captain stuck to the fore-part of the vessel, which remained fast on the rock, till washed overboard, with his wife in his arms, and both were drowned. A female steerage passenger lost two children; one was drowned, and the other died in her arms.

On the 11th instant, an inquest was held at Bamborough Castle, on the bodies of four of the sufferers. It appeared clearly from the evidence, that the weakness of the boilers was the original cause of the disaster. The jury found this verdict, "That the deceased lost their lives by the *Forfarshire*, a Dundee and Hull steam-packet, coming in contact with the rocks of one of the Fern Islands, and that the vessel was unseaworthy when she left Hull." Deodand on the wreck, 100*l*.

It is thought that, altogether, forty-five persons perished.

Nine of the persons saved owe their lives to the humanity and intrepidity of Grace Darling, a fine young woman of twenty-two, daughter of the keeper of the North Sunderland lighthouse. Her father would not venture out, till she urged him to make the effort, and offered to take an oar herself. They then put off, and, at extreme risk, succeeded in rescuing the nine persons from the wreck.

— CORONATION OF THE EMPEROR OF AUSTRIA.—The preparations at Milan for the ceremonial of crowning the Emperor of Austria, and the festivities on the occasion are described as having been extremely magnificent and extensive. On the 25th August, the emperor and empress arrived at the villa Raimondi, on the celebrated Lake of Como. An immense number of persons had gone several miles on the road to meet them. The town of Como was splendidly adorned, and a triumphal arch erected, under which the imperial party passed in grand procession. A gala on the lake is described as having produced an enchanting effect. The solemn entrance into Milan was on the 1st instant. The fine road from Milan to Loreto, which is bounded on each side by a row of noble trees, and by two streams of clear water, running through deep stone channels, was decorated for a very considerable distance from the city-gate by lofty square wooden pedestals, painted to imitate marble. On these pedestals were placed gigantic but tastefully shaped urns or vases, containing an infinite variety of the rarest and most beautiful flowers and luxuriant plants, both native and exotic. Under and behind the

trees on each side, for nearly half a league, was erected a series of sheds with rows of seats rising one above another, for the accommodation of spectators. These were all partly covered and festooned with bright coloured stuffs of various materials; and were filled with well-dressed people.

The ceremony of offering the keys of the city to the emperor was performed at the Porta Orientale; and then the procession passed along the Corso, lined on each side with palaces and other buildings, the best in Milan. The balconies and windows richly and tastefully ornamented, were filled with females, the nobler and wealthier in full dress, and the rest in their best holiday suits. The royal procession was extremely splendid and glittering. The emperor and the principal persons who formed part of it went to the cathedral, where "Te Deum" was chanted, and thence to the palace. Ferdinand and the empress repeatedly exhibited themselves to the populace during the afternoon. At night there was a splendid illumination. On the next day there was a levee at the palace, where the foreign ambassadors and other persons of distinction were presented. Afterwards their Majesties and the imperial cortège went to the Corso. The ceremony of homage was performed on the 3rd, in the magnificent Hall of the Caryatides; after which there was a banquet at the palace, and a ball at night. On the 4th, the iron crown was brought in procession from Monzo to Milan by the royal commissioners, and delivered into the keeping of the imperial chamberlain. On the 6th the ceremony of the coronation of the emperor, as King of Venetian Lombardy, took place in



the cathedral, and was accompanied by circumstances of the greatest splendour. The pontifical mass was celebrated according to the Ambrosian rite. The archbishop placed the iron crown on the emperor's head, while the cardinal patriarch of Venice pronounced the solemn formula used on such occasions. The Cardinal Patriarch of Venice next placed the sceptre in his Majesty's right hand; and the Archbishop of Milan put the globe in his left. His Majesty then went and sat on the seat of the enthronization, and the Grand Major Domo of the Lombardo kingdom, advancing, turned towards the people, and cried aloud, "Long live Ferdinand, our emperor and king!" A banquet was afterwards given in the hall of the Caryatides, and the festivities were prolonged during many days. The emperor acquired much popularity by issuing a general pardon for all political offences.

7. CASE OF SUFFOCATION IN A GRAVE.—An inquest was held in the workhouse of St. Botolph's Aldgate, on the bodies of Thomas Oakes, the parish gravedigger, and Edward Luddett, a Billingsgate fish-dealer, who lost their lives by suffocation from the foul air in a grave. It had been the practice in the parish, for want of sufficient space, to dig very deep graves, and pile coffins in them one upon another, till they were filled. The grave in question had only one coffin in it; and Oakes went down to put in another, containing the body of a still-born infant. Not returning, he was searched for, and found lying insensible at the bottom. Edward Luddett, supposing him to be in a fit, descended with ropes to place under his arms, so that he might be drawn

up; but immediately on reaching the bottom, he fell, as one of the witnesses said, "as if struck by a cannon-ball." Afterwards, by advice of a surgeon in the neighbourhood, chlorate of lime was thrown into the grave; and the poisonous quality of the air being destroyed, the bodies were got out. A verdict of "accidental death" was returned.

12. TREMENDOUS WATERSPOUT IN IRELAND.—About five o'clock in the morning, the village and neighbourhood of Kingscourt, county of Cavan, to the extent of four or five square miles, was visited for upwards of six hours by a tremendous waterspout, the most destructive in its consequences ever witnessed in that part of the country.

The village, being situated on the side of a mountain, with much difficulty resisted the overpowering torrent, which rolled from the heights with accumulated power: very great loss was sustained by the poor inhabitants, whose flax, hay, and corn, were indiscriminately borne down by the torrent a distance of several miles, and swept in one common mass into the lake of Ballyho.

16. ACCIDENT. — An inquest was held at Budleigh Salterton, on the body of Miss Harriet Shinley, of Sherington, near Kidderminster, who was on a visit to her sister, a resident of Salterton. Miss Shinley went out to take a walk on the Western Cliff, and not returning at dinner-time her friends were alarmed. In the afternoon foot-marks were discovered close to the edge of the cliff, and persons were dispatched to examine from above and below, but no trace of Miss Shinley was to be seen. Late in the evening, a man

was let down over the face of the cliff, by a rope, with a lantern, and in a fissure or gully of the cliff below him, he heard a groan. He was lowered to the spot, and there he found the unfortunate lady standing upright, with her arms crossed, her feet and thighs jammed, as it were, in the narrow crevice, and she herself still alive. The man then raised her up by main force, and lowered her to the beach. She lingered in a state of insensibility till the third day, when she died. It was a particularly squally day, and it is supposed that her bonnet having been blown over the cliff, she approached to look after it, and thus fell over. Although she had fallen 100 feet there was not a single fracture of a limb, the symptoms under which she died being concussion of the brain.—Verdict, accidental death.

17. DREADFUL STEAM EXPLOSION.—The Viaduct Foundry, on the Manchester and Liverpool line of railway, at Newton-in-the-Willows, was the scene of one of those dreadful steam-boiler explosions which have lately become so frequent. A new boiler had been put to an eight-horse engine used to drive the blast for the smith's furnaces. It had been tried on the Saturday previous, and was then found to work well. On Monday the master of the yard, named Dangerfield, proceeded to light the fire, and get the steam up in the boiler. He accomplished this task by six o'clock. At that hour the men came to work, and about ten or a dozen of them stood at the mouth of the furnace anxiously waiting to witness the evolutions of the engine, when all of a sudden the steam and water burst through the flue of the boiler, and

carried the contents of the furnace and part of the brick-work, full forty yards from the building. The explosion was terrific, the bystanders and Dangerfield were carried, as if by a gun-shot, into a field of corn on the outside of the fenced palings. The palings were knocked down, and the corn levelled to the ground for twenty yards distance, the exterior of the boiler still remaining perfect. No less than seven persons lost their lives on this occasion. An inquest having been held on the bodies, the jury returned a verdict in all the cases of "accidental death," occasioned by the insufficiency of water in the boiler.

20. TRIAL FOR MURDER.—At the Central Criminal Court this morning, H. Myers, apothecary, was indicted for the murder of T. D. Pow, by administering to him, while in a weak and distempered state of body, a large quantity of gin, and also by taking from him divers excessive quantities of blood. The case, as stated at the inquest held on the body, had created the most intense interest, there being a general opinion that the prisoner and Mrs. Pow, between whom an improper intercourse was said to have been carried on, had conspired together to make away with the unfortunate deceased. A verdict of wilful murder against both, had been accordingly returned by the coroner's jury, but on Mrs. Pow being brought to trial, the counsel for the prosecution was unable to give any proof of the actual cause of death, upon which the judges expressed an opinion that the case could not stand, and a verdict of not guilty was accordingly returned. In the present instance a similar

result took place, and Myers was dismissed without any evidence being adduced against him.

21. CONVICTION AND PUNISHMENT OF TWO PERSONS FOR ACTING AS SECONDS IN A DUEL.—An enquiry into the circumstances of a fatal duel, which took place at Wimbledon-common on the 22nd August, had of late attracted a large share of the public attention. The victim was Mr. John Flower Mirfin, and the quarrel was said to have arisen from a collision on returning from Epsom races, some weeks before. The jury on the Coroner's inquest returned the following verdict:—"That Francis Lionel Eliot, John Young, Henry Webber, and Edward Delves Broughton, together with two others, whose names are not at present known, are guilty of *wilful murder*; the first named party as principal in the first degree, and the remainder as principals in the second degree." Mr. Scott, the surgeon in attendance, and personal friend of the deceased, was bound over in his own recognizances to the amount of 300*l.* to appear when required to do so. On the 21st Sept. Young and Webber were brought to trial, and, having been found guilty, sentence of death was recorded against them, which was afterwards commuted to twelve months' imprisonment in Guildford gaol, the last month to be passed in solitary confinement. Eliot and Broughton had escaped abroad. The parties concerned in this affair, though aping the barbarous code of refined honour, could apparently claim only a very doubtful gentility. Eliot was said to be nephew of an innkeeper at London, and recently an officer in

the British Auxiliary Legion in Spain, where he was chiefly notorious for his numerous duels. Mirfin, one of the sons of a mercer at Doncaster, had been lately a linen draper in Tottenham Court Road; and Young, it was said was, or ought to have been, had he not disagreed with his father, a brick-maker at Haddenham, near Aylesbury.

— VOTE BY BALLOT. — M. Spehner, mayor of Lipshiem, in the Bas Rhin, was accused at the recent Strasburgh assizes of having, a year ago, in order to insure his re-election as a member of the municipal council, made use of a balloting urn with a false bottom, within which he had inserted votes in his own favour. He was found guilty, and sentenced to civic degradation.

22. CASE OF ABDUCTION. — At the Dublin Police office, a man of unusually mean and vulgar appearance, named Peter Yore, a stable-boy, was brought into custody before the magistrates, charged with having fraudulently induced a young lady, the daughter of his mistress, to marry him. The facts of the case were as follows: The young lady's mother was the widow of Colonel Tucker, and was entitled to upwards of 700*l.* a-year. Colonel Tucker died in 1831, leaving this only child—in whom the property was vested in remainder. Mrs. Tucker unfortunately took into her service the person at the bar. He, as he was riding after the young lady, thought proper to make approaches to her, and urged proposals of marriage, threatening that, if she would not consent, he would spread rumours injurious to her character. She, in an evil hour,

of her own consent, agreed to a well-laid stratagem, which, with the assistance of other individuals, was put into execution. The prisoner having made some apology about shoeing a horse, went and met the young lady at a public-house kept by a person named Flood; she then alighted from her horse, and taking off her riding habit, put on attire suited to the celebration of marriage, and was driven in a covered car to the house of a person named Schultz, in Cullenswood. He, not being at home, they then urged her to go to Smithfield, which she did, and a matrimonial ceremony was performed in a public-house; she then returned to the other public-house, resumed her riding-habit, and returned home. On the way her attendant got off his horse, soiled his hat, coat, and trowsers, and told her mother that a fall was the cause of their delay. It would appear that the young woman had never passed a night out of her mother's bed-chamber. At length she became shocked at the idea of throwing herself away upon such a fellow. Something exciting her mother's suspicions, she taxed the prisoner with it. He at once avowed it, took high ground, and asked them could they break the marriage? The mother was advised to annul the marriage, and accordingly that course was pursued in the Ecclesiastical courts. After the prisoner was dismissed he was found lurking about the place, with a view to carry the young lady off. The prisoner was allowed to put in bail for his appearance at the assizes, to stand his trial for a misdemeanour.

24. FORCIBLE ENTRY INTO A COUNTRY HOUSE.—A most extra-

ordinary outrage was committed at Stanfield Hall, Norfolk, the seat of Isaac Jermy, Esq., by a large mob, headed by a man named John Larner, who professed to be a claimant to the Stanfield property. The present proprietor, Isaac Preston, Esq., who by royal license assumed the name of Jermy, is the son and heir of the Rev. George Preston, of Stanfield Hall, and came into possession on his father's death, in 1837, the property having been a century in the family. The present was not the first occasion on which an attempt had been made by Larner, (who asserted he was the heir at law) to take possession of the premises, and no less than three times it had been found necessary to call in the constables to eject him, and the persons who accompanied him. On the 24th he appeared in front of Stanfield Hall with a very large party of men, collected from the different parishes of the neighbourhood. They demanded admittance of Mrs. Sims, a lady then occupying the house, and on her refusal, Larner produced a crow-bar and broke in the door, when the party rushed into the place. The mob followed Larner up stairs to a bed-chamber, in which Mrs. Sims had taken refuge, and Larner took her up and forcibly carried her out of the house, as well as her friend Miss Bloomfield, of Wymondham house. The mob then carried out the furniture, &c., and placed it on the lawn, barricaded the windows and doors, letting no person in or out of the house except their own party, and placed a heap of paving stones, brick-bats, and other missiles before each of the upper windows, in preparation for a siege. During this outrage, Mr.

Jermy having received information of what was passing, hastened to the scene with two constables: he read the riot act to the mob, calling upon them immediately to disperse.

Two other magistrates accompanied by a civil force likewise attempted to eject the rioters, but finding themselves inadequate to the purpose, the military were sent for from Norwich. The soldiers took up a position so as to surround the house, and the men inside having had five minutes' grace given to them to make up their minds, declared their intention to surrender, and opening one of the doors, came out one by one, and were tied together by ropes, to prevent their escape, to the number of sixty-three. They were conducted to Norwich Castle, under an escort of the military. After a very full hearing of the case, fourteen persons were fully committed to take their trial at the next assizes. The remainder were liberated on their recognizances.

29. The trial of a girl named Charlotte Cauchois at this time excited a good deal of interest in Paris. She had been seduced by a man of the name of Langlume, and had a child by him. Langlume afterwards married. But her jealousy was chiefly excited by seeing Langlume engaged in a boating and feasting party with three other men and four women on the Seine. Towards evening Langlume went home and fell asleep on his sofa. Charlotte Cauchois went after him, and shot him with his own gun as he lay. She then took her child, gave it to a neighbour, and flung herself into the river. A man named Patte saved her from drowning,

notwithstanding her earnest efforts and anxious entreaties that he would let her die. On the trial the judge exerted himself in behalf of the accused. She was in consequence acquitted by the jury.

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## OCTOBER.

### 2. DREADFUL COACH ACCIDENT.

—This afternoon, whilst the Coburg coach, on its way from Perth to Edinburgh, was receiving the passengers and luggage from the steamer at Newhalls Pier, South Queensferry, the leaders suddenly wheeled round, and, notwithstanding the guard and coachman were almost instantly at their heads, coach and horses were precipitated over the quay. Some of the outside passengers escaped by throwing themselves on the pier; but those in the inside were less fortunate. The inside passengers were a Mr. Ellis; Mrs. Captain M'Duff; Miss M'Duff, a girl about 13; and an elderly female, servant to Mrs. M'Duff. The coach having fallen into the sea on its side, Mrs. M'Duff and Mr. Ellis managed to get their heads thrust out of the window above the water, till extricated from their perilous situation. The other two, Miss M'Duff and the servant, were taken out dead. The only outside passenger who kept his place on the coach until it was precipitated into the water, was pitched into the sea a considerable distance, but fortunately saved himself by swimming ashore. The pole having broken, the leading horses were saved, but the two wheel horses were drowned. Every effort was made to resuscitate Miss

M'Duff and the servant, but without the slightest effect.

3. PARACHUTE DESCENT AT CHELTENHAM.—This perilous feat was safely accomplished by Mr. Hampton, a gentleman who had already acquired some celebrity in aeronautics. The parachute was constructed on Garnerin's principle and was attached to the balloon by a ship line. We subjoin the following extract from the aeronaut's own account:—"After leaving the earth my sensations were of the most delightful kind. At the altitude of about 9,000 feet I cast my eye to the different portions of my apparatus, and finding everything as I considered perfect, I hesitated not, but applied my knife to the only cord which held me between heaven and the vast abyss beneath me. My balloon ascended from me, immediately after the separation, for some hundred feet, and with a terrific noise rushed through the atmosphere, and in the space of a few seconds only, burst over my head with the violence of a thunderbolt, and, (I was pleased to find in unison with my original plan,) collapsed, and reached the earth before I did myself. My descent was of the most gradual and progressive description. Indeed, so far from a supposed violent rate of velocity having taken place during the descent, at various times the parachute was almost stationary, and had it not been that a safety-bag, containing about 30 lbs. of ballast attached to my car hastened my power of descent, I must have reached the ground under the most perfect, quiet, and pleasing gravity, as the time from my separating the cord to my reaching the earth was thirteen minutes, being then at a distance of

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one mile and a quarter in altitude." Mr. Hampton effected a landing at Budgeworth, within five miles of Gloucester, his only injury being a slight wound on the forehead.

5. FIRE AT LIVERPOOL.—Property, valued at about 200,000*l.*, consisting chiefly of cotton, indigo, oil, turpentine, and spices, and the buildings in which they were warehoused, in Robert-street, Liverpool, was destroyed by fire. The fire originated in the warehouses of James Davis and Co. Some combustible in the burning premises exploded with a tremendous noise, shattering the windows, like an explosion of gunpowder. Large pieces of wood and stone, and bales of cotton, were blown up into the air, and carried a considerable distance. Two men were killed—one by the explosion; and another, in an attempt to get some pigs he owned from a burning shed, was buried in the ruins. The firemen were active, but the supply of water very inadequate. The property was extensively insured.

6. BRUTALITY IN A LUNATIC ASYLUM.—An inquisition, commencing on the 6th instant, and continued by adjournment the four following days, was held at Southampton, having reference to the death of Mary Ann Strong, aged 49, late a pauper lunatic, confined in Mrs. Middleton's Asylum, at Grove-place, on the Romney-road. The first two witnesses, Mary Ann and Frances Sturdy, deposed that they had examined the body of the deceased, and found her face and collar-bone to be much bruised, and that from the poll of her neck to nearly the small of her back was as black as the chimney. The marks referred to were in spots, not in stripes, as if inflicted with a stick. The

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front of the body and legs, as well as under the eye, were also similarly bruised. Mrs. Willis, had been confined in the asylum as a patient, and during her confinement was employed to assist as a servant, and had frequently seen Mrs. Strong ill-used by the two nurses, Mrs. Rose and Caroline Sellens. Mrs. Strong had water thrown over her when quite undressed. She was standing in the middle of the yard at the time, entirely naked; the water was thrown from a bucket about half full. She was kept in that naked state for a quarter of an hour, no towel being given her to rub herself. She had once or twice every day been struck by the two nurses with a stick as thick as her finger, several of which were kept for the purpose, and they frequently thus beat her when quite naked, and, after having thrown water upon her, drove her into the straw-house. Mrs. F. Smith, who also had formerly been a patient, confirmed the preceding witness, and in addition stated that she had seen the deceased stripped naked and sent up to bed without her supper, and heard her screams after she was up-stairs. Witness had seen Mrs. Strong washed in a very indecent manner. She was stripped naked, and scrubbed with a broom in the open yard, where she might be seen by any one from the top of the castle (an adjacent building). It might be for half an hour. She was naked the whole of the time. Had seen her beaten many times. Mrs. Rose had taken witness's stick (a heavy crutch-stick) from her hands, about three inches thick, to strike Mrs. Strong. She struck her on the back and head, legs, arms, or any other part of the body. Had seen her

also struck with a faggot-stick at the straw-house. Had seen Mrs. Strong struck many times with a stick on the head; those beatings took place every day, and many times a-day. Had seen her head washed, and seen her head pushed down into a bucket of water, to tease her and perplex her. To rebut this evidence, Dr. Clarke, surgeon to the Board of Guardians, Mr. C. Fowler, surgeon, and T. Simpson, surgeon to the asylum, were called, who deposed to never having observed that the deceased had been ill-treated; and that, after a *post mortem* examination, they were of opinion that the morbid appearance of the head and heart, combined with the state of the bowels, were sufficient to account for her death. The Coroner summed up at great length, telling the jury that he thought they ought to receive the evidence of Mrs. Willis and Mrs. Smith with great suspicion, on account of the peculiar position in which they were placed as patients in the asylum where the alleged ill-treatment occurred, though, from the manner in which they had given their evidence, it was perfectly plain that they were now in a convalescent state. He also told the jury to receive with caution the evidence of Mr. Simpson, he being a paid servant of the establishment. The jury deliberated for two hours, and then unanimously returned the following verdict:—"The jury are of opinion that the death of the said Mary Ann Strong was occasioned by natural causes, accelerated by the ill-treatment she experienced from the two nurses, Mrs. Rose and Catherine Sellens, during her confinement in Grove-place, Lunatic Asylum."

7. **ESCAPE OF A BEAR.**—The following narrow escape from the jaws of a bear which had got loose from the Zoological Gardens, is said to have taken place at Liverpool. The narrator, is a Mr. William Mayman:—“About six o’clock, on the evening of the 7th instant, I was standing at my own door, near which was a man with a basket of nuts for sale. This man first saw a large bear make his way over a gate into the lane. He immediately threw his basket to the beast, and it commenced eating the nuts. At this moment, a child, between two and three years old, being on its way to buy some nuts, I ran and caught hold of it to bring it to my house for safety. Before I had advanced many yards, the bear jumped upon my back, seized me by the right arm, and began to grind it with his teeth in a dreadful manner. I struggled with him to the best of my power, but he threw me down. I cried out ‘Murder!’ but no one came to my assistance. He then loosed my right arm, and I got upon my feet. I could not, however, make my escape. He next put his paws upon my shoulders, and attempted to seize my throat. Not succeeding in this, he caught hold of my left arm, and bit it completely through. He again tried at my throat; I kept him off, and he fastened once more upon my right arm, and threw me down, and commenced dragging me up and down the road as a cat would a rat. I was still calling ‘murder,’ but could get no assistance. Presently the bear loosed my arm, and began to hug me. He next seized me by the hip with his teeth, and lastly got hold of me by the back of the head, when the keepers of the garden came and

beat him off, just in time to save my life. I was taken into the house, and medical aid procured for me; and, though I was first pronounced to be in a dangerous state, I thank God my wounds are all doing well.”

9. **MURDER.**—IRELAND.—We give the following particulars of the death of Mr. O’Reilly, the son of Dr. O’Reilly, of Ballitore, in Kilkenny county, who was killed on Tuesday week, under very extraordinary, or at least imperfectly explained circumstances.

The deceased left his father’s house in the morning, and arrived by the fly-boat from Athy, at Castlecomer, about seven in the evening; and proceeded immediately on his way to his father’s property at Johnswell, for the purpose of receiving rents. He had with him his fowling-piece. He entered the yard of a farmer named Comerford, (somewhat less than half a mile beyond Uskerty wood, and about three miles from Castlecomer) and placed himself behind the pier of a gate, where he was seen by a man named Condran, who was crossing the yard with a bundle of hay. Being asked by Condran what he was doing there, he said, “he was standing there in defence of his life—that two shots had been fired at him near Uskerty bridge, and that two fellows were pursuing him to take his gun, and he would fire at them if they came at him.” He desired Condran to cover him with the hay; which Condran refused to do, but asked him to go into the house. In the meantime, two men, Willoughby and Shore, armed with guns, came into the yard in a hurried manner, and proceeded towards the house in search of Mr. O’Reilly. Returning from the

house, they saw deceased behind the pier; when Willoughby presented his gun at him, and called on him to give himself up; which deceased refused to do, and jumping from behind, presented his gun at Willoughby, who turned it aside with his. Both guns were discharged at the same moment, Willoughby's shot inflicting a bullet-wound on the right arm of deceased. Shore then came forward, and fired at Mr. O'Reilly; who instantly fell, exclaiming that he was shot through the heart. He was then carried into Comerford's house, where he expired in less than half an hour. Immediately after Willoughby and Shore proceeded to the police-station at Coolcullen, and surrendered themselves to the sergeant, who conveyed them to Castlecomer. A verdict of wilful murder was returned against Shore, and of manslaughter against Willoughby, at the inquest. They were both committed to the county gaol. Mr. O'Reilly was a fine youth, only eighteen, of considerable promise.

11. THE WEATHER.—Extraordinary changes of weather took place in the North of England, during the last ten days. For three weeks previous to the 11th instant, the weather had been all that could have been wished. On that day the wind changed round to the west in the course of the morning, and blew with hurricane violence in many parts of the North of England; stranding ships, unroofing houses in many places, and uprooting or snapping off near the ground trees that had braved the blast for many a long year. In Northumberland and Cumberland, the wind was so strong as to seriously impede the motions of the coaches both on the railways and on the common roads. On

the following evening, there were exhibitions of the aurora borealis; and a frost took place equal in severity to those of midwinter. In the course of the next night, a heavy rain came on, and fell in torrents in Cumberland, Northumberland, Durham, North Lancashire, and the western parts of Yorkshire, till Tuesday evening, causing heavy floods, and in many places doing considerable damage.

12. COACH ACCIDENT.—A fatal accident befel the Regular Leicester and Oxford coach, by which a member of the University unfortunately lost his life. The coach was loaded to an unusual height, in consequence of the great rush of members into Oxford at the commencement of term; it was not, however, proceeding faster than six miles an hour, when, on turning into Deddington, near Banbury, and endeavouring to avoid a cart at the angle of the road, it fell over on its near side. G. Brodrick, Esq. of Brasennose, who sat on the off side, behind the box, was thrown violently on his head, by which a blood vessel was ruptured, and the skull extensively fractured. He died in a state of insensibility three hours after the accident. Mr. Whateley, of Christ Church, nephew of the archbishop of Dublin, and another Oxonian, were also severely hurt.

16. SINGULAR ACCIDENT.—A singular and disastrous event took place at Dunkirk, about a quarter of a mile from Northwich, Cheshire, in the instantaneous sinking of a plot of ground, nearly an acre in extent, to the depth of fifteen or twenty yards. At the depth of about fifty yards from the surface runs a vein or mine of rock salt, of about fifteen yards in thickness, which at this spot had, as usual, been worked and excavated, before sink-

ing to the lower vein, at the depth of about 100 yards. For some time past this upper mine had been considered insecure, from the pillars left to support the superincumbent earth being in a tottering state, and the men had discontinued their work. The ground suddenly gave way, with a tremendous roar, and the rock-house, tower, gin-house, engine-house, stables, and two cottages, were thrown into a heap of ruins at the depth of fifteen yards from the surface; and twelve individuals, who were on the premises, were also carried down, and most of them overwhelmed by the falling ruins of the buildings. Seven persons were killed.

19. PEDESTRIAN FEAT. — An extraordinary race against time took place at Debtling, near Maidstone. Mr. T. Hopper, farmer, of Biddenden, forty-two years of age, undertook, for a wager of 10*l.*, to run half a mile in two minutes. The ground selected was half a mile of the descent of Debtling-hill, a fearful steep, averaging a fall of at least two feet in ten yards. The road was carefully swept and cleared. At starting, for about a quarter of a mile, the strides of Mr. Hopper averaged three yards each, and in some of the steepest places, were even longer. When within about fifteen yards of the winning-post, he became nearly blind, swerved from the line, and fears were entertained that he would dash himself against a chalk cliff. A fortunate rut in the road turned his foot into the right direction, and he reached the winning-post eight seconds under the two minutes. He was conveyed to bed almost in a delirious state from the terrific exertions he had made, but

recovered in a short time afterwards. It would appear that a mile in five minutes, and 100 yards in ten seconds, is first-rate running. The average speed of Mr. Hopper in this race was more than twenty-three feet and a half each second, for the distance of half a mile.

22. FIRE AT HARROW.—This evening, between six and seven o'clock, a fire broke out in the residence of Mr. Colenzo, mathematical master at Harrow school; which was not extinguished till much property had been destroyed in various ways. From Mr. Colenzo's house the fire soon reached that of Mr. Wordsworth, head master, and other buildings near to it. The supply of water was scanty, and almost everything valuable belonging to Mr. Colenzo and Mr. Wordsworth—books, pictures, plate, linen, and clothing—was consumed. The boys boarding in Mr. Colenzo's house lost all their clothes and books. One boy, named Cunningham, dangerously ill, was removed with difficulty. The hose of some of the fire-engines was cut in several places, (so as to prevent their working), by thieves who came from London to plunder the burning houses. No serious personal injury was suffered by anybody; and most of the property was insured, chiefly in the County-Fire-office. The damaged buildings were in the same style as the school itself, and had been recently renewed at a considerable expense.

24. COAL-MINE EXPLOSION.—Thirty-five persons were killed, on this day, by a tremendous explosion of gas in "John Pit," a coal-mine belonging to Mr. Henry Curwen, of Workington Hall, at Lowca, about four miles

from Whitehaven. The regulation adopted in John Pit, it would appear, was for the work people to wait about two hundred yards from the bottom of the shaft, at what is called "the steer," until the overman and deputy-overman had gone into the workings and seen that all was free from danger. At this spot thirty-four human beings were congregated when the foul air took fire; and they were swept, with six others, to instant destruction. The shaft was ninety-five fathoms in depth, and yet for many yards above its mouth the fire was seen to blaze with awful brilliancy. Baskets from the bottom were whirled up the shaft high into the air, and thrown to a considerable distance. At the moment the explosion happened, a basket, containing two men and two boys, had descended the shaft about six fathoms; these were blown into the air as from the mouth of a cannon; one man was driven over the bank on some coals at the pit's mouth, one boy fell close to the mouth, the other boy alighted in a state of insensibility on a sloping ledge, with his feet hanging over the yawning chasm beneath. These three ultimately recovered. The fourth individual who was in the basket was less fortunate; after being blown into the air, he fell perpendicularly into the shaft, and was dashed to pieces at the bottom.

The bodies of thirty-four of the sufferers were found nearly all together on the northern side of the "steer," in one frightful mass, horribly blended with corves, rolleys, and various kinds of rubbish. Most of them were sadly disfigured and mutilated.

It was conjectured that a new "air-course" which had ventilated

the pit, was choked up by the falling in of its roof: and that the overman, Kay, went along this passage with a lighted lamp, although the atmosphere was known to be in a dangerous state. This was the second accident which had occurred in Mr. Curwen's mines within fourteen months.

25. RAILWAY ACCIDENT. — A melancholy accident happened on this day to a young gentleman named Field, a pupil of Dr. Lardner, who went on the Great Western Railway, about three miles from Paddington, to observe the "deflection of the rails on the south line," on which the passenger-train was moving. For this purpose, he lay directly across the north line; and unfortunately did not observe that an experimental train was coming on that line. The whole of the train passed over his body; he was taken up mutilated and senseless, and died in a few minutes.

— DUEL IN AMERICA. — A sanguinary duel was fought with broadswords between two members of the New Orleans bar, at Bayou St. Louis. The combat was dreadful; one of the parties died of his wounds on the following day, and the survivor had one arm severed from his body. It is a singular fact, that after the deceased was run through the body, he walked from the field of conflict to his hotel; after which, he was taken to the steam-boat and conveyed to New Orleans, where he died.

26. CASE OF LIBEL. — In the Central Criminal Court, John Teuton, a printer, was tried on a charge of conspiring, with other persons, to extort money from the Marquis of Downshire, by the publication of a pamphlet, entitled,

“The Secret History;” professing to detail circumstances relating to the late Lady Mary Hill, sister to the Marquis, which, it was said, would drive the Downshire family out of society. The materials of the pamphlet were furnished by a German, named Reiterhoffer, who had travelled on the Continent with Lady Mary Hill and her mother, as courier. It was proved that the design of the prisoner and his accomplices was to obtain money from Lord Downshire. Reiterhoffer had told Teuton that he should get 5,000*l*. Placards were exhibited in the streets, at the expense of the prisoner, with the words “Faux pas of the Marquis of Downshire, and scandalous conduct in high life.” The evidence was conclusive: Teuton was convicted, and sentenced to fifteen months’ imprisonment, and to give security in the sum of 200*l*. for good behaviour for five years.

28. **VIOLENT STORM.** — This week the western and southern coasts of England were visited with a storm of wind and rain, which reached the Metropolis on the night of the 28th, and has seldom been exceeded in violence, or in the number of accidents it occasioned. In the Bristol Channel twenty-one men lost their lives in fishing boats and several small vessels were wrecked.

Among other disasters must be mentioned the loss of a steam-boat, the Northern yacht, with ten passengers, and a crew of thirteen persons, which left Newcastle for Leith on the morning of the 25th. She is said to have been provided with very indifferent machinery, and to have carried from ten to fifteen tons of iron on her deck; which would render her more unmanageable in

a storm. Nothing was heard of her for several days, when it appeared that the captain of a brig, then lying in the Tyne, saw her go down, within hail of a Scotch smack, and every soul on board perished. It is said, that she had previously landed one passenger at North Sunderland.

In London, on Sunday evening the 28th, the wind became quite a hurricane. In various parts of the city, chimnies were blown down, windows broken, and shutters broken in. Several persons were severely hurt in the streets, but none were killed. In Lambeth and on the “Surry side,” the accidents were of a serious description. Five houses were completely destroyed, the inmates of which had a very narrow escape of their lives, and much damage was done.

Two of the carriages on the Great Western Railway were discovered on Monday morning, the 29th, at Slough, and two more at Wormwood Scrubbs; having been carried by the wind to those distances from Maidenhead, where they should have remained, ready for the first morning’s trip.

31. **ASSAULT.** — At the Marylebone Office, Henry Jones and John Lees, two soldiers of the First Battalion of Grenadier Guards, were charged with a violent assault on Mr. Henry Stock, of George-street, Portman-square. It appeared from Mr. Stock’s evidence, that he was passing through Lisson Grove between eight and nine on Tuesday night, when he heard a woman shrieking, and calling for the police. He went to the place from whence the sounds proceeded; and saw a female covered with blood, supported by a passenger, who in-



formed him that the prisoner Jones, who was then running away, had just knocked her down. He instantly pursued, and overtook him after a hard chase; and called upon him to surrender, at the same time informing him that he was a magistrate. Jones swore he would not be taken; and, running furiously at Mr. Stock, struck him left and right with all his might, knocking him down. Mr. Stock got up again, and followed the prisoner; who, having joined his comrade, Lees, on the road, they both fell upon him, and beat him in the most savage manner, kicking him when down. They then made off together; Mr. Stock still following as well as he was able;

and in spite of their threats against his life if he persisted, he pursued them all the way into the barracks, and gave them in charge. The prisoner Jones, while in the custody of the guard, broke furiously away, and struck him another blow on the face. Jones was so drunk that it was with the greatest difficulty he could be restrained from committing further violence. The police having been sent for, the prisoners were given up, and conveyed to the station-house. Another gentleman in part confirmed Mr. Stock's statement; and the two soldiers being unable to find bail, were sent to gaol.

### FRENCH STATISTICS.

The following statistical account of the movement of the population of France, during 1835 and 1836, presented to the Academy of Sciences by M. Moreau de Jonnes:--

	Legitimate.	Illegitimate.	Total.
BIRTHS.—1835	919,106	74,727	993,833
1836	906,318	73,302	979,620
	<hr/>	<hr/>	<hr/>
Diminution	12,788	1,425	14,213
DEATHS.—1835	816,413		
1836.	776,700		
	<hr/>		
Diminution	39,713		
MARRIAGES.—1835	275,508		
1836	274,145		
	<hr/>		
Diminution	1,363		
Increase of the population by difference of births over deaths.			
1835	177,420		
1836	202,920		
	<hr/>		
Increase	25,500		

The population of France for 1836 was 38,340,910. The proportion of the births to the total population in that year was, therefore, as 1 to 34; of deaths,

as 1 to 43; and of marriages, as 1 to 121. With respect to the relative mortality of 1 in 43, it is the first time that this proportion has existed in France, the least pro-

portion that had before occurred being that of 1823, or 1 in 41-5. Since 1816, this proportion has varied from 1 in 38 to 1 in 40. We may here mention, that from an official return, addressed to the Procureur-General, of the numbers of the bodies of foundlings exposed annually at the Morgue from 1830 to 1838, there would appear for the first seven years an average of rather more than 21 bodies of infants per annum: whereas in 1837—8, a period which corresponds to the new measures adopted, with regard to the admission of foundlings at the General Hospital, the number has been 40, which is nearly double the above annual average, and does not include the numbers of those who were found abandoned and alive in the streets, nor of those bodies which were sent direct to the cemeteries instead of to the Morgue.

—. MURDER.—BIRMINGHAM.—The death of a young woman named Evans, under somewhat extraordinary circumstances, created great sensation in this town and neighbourhood. It appeared the deceased was courted by a young man named Abraham Holyoake, a file cutter. On the evening of the 30th they met at the house of the mother of the deceased, where they remained until one o'clock in the morning. They then left, and were last seen together at the entry end, in Milk-street, about two o'clock. A little before three, Jones, the night constable, heard a cry for help, apparently proceeding from the banks of the Warwick canal. This officer, in company with Wood the watchman, immediately hastened to the spot from whence the cry proceeded, when they found the man (Holy-

oake) standing on the bank of the canal, drenched with water, and apparently, from some cause or other, quite exhausted. When Jones enquired how he came there, and why he was in such a condition, Holyoake, in the first instance replied, that he had been in company with a woman, but that she had gone home. The reply not seeming very satisfactory to the officer, he determined to take Holyoake to the residence of the woman in whose company he stated he had been. Accordingly Jones and Wood accompanied Holyoake thither. When on the way the prisoner, without promise, threat, or other inducement, voluntarily stated that the woman was dead—that he had drowned her—and that her body was to be found in the Warwick canal, near the spot where he himself was apprehended. On hearing this, Jones, accompanied by the watchman and others, returned to the place where Holyoake directed them, and having procured drags, the body of the unfortunate girl was, in the course of a few minutes, brought to the surface of the water.

Upon his removal to prison, Holyoake, who had previously given various accounts of the circumstances under which the girl came by her death, stated that they had mutually determined to drown themselves, and that in furtherance of this purpose, she jumped off the bridge, and he afterwards followed her; and it appeared that when Holyoake was first seen by Jones, there was abundant evidence that he had been over head in the water, and had lost his hat. The evidence brought forward at the inquest, tending strongly to criminate Holyoake, the jury returned a ver-

dict of "Wilful murder" against him, and he was accordingly committed to Warwick gaol.

— **THREE LIVES LOST ON THE WESTMORELAND MOUNTAINS.** — An inquest was held at the Low Bridge Inn, Kentmere, on the bodies of two men of the names of John Huddleston and Thomas Gillespie, the former resident in Stavely, and the other a woodreve, resident in Kentmere Hall, and a boy, Thomas Gillespie, of about fourteen years of age, son of the woodreve, who were found dead the day before in Glad-grove-Gill. It appeared that these unfortunate persons left home on the Saturday morning previous, to go to Hayes water, about six or seven miles distant, on a fishing excursion. The weather was very boisterous on that day, even in the lower and more favoured part of the country, but on the wild and lofty Kentmere fells, it was intensely cold and stormy. Not returning in the evening according to their expressed intention, and Sunday, likewise, passing without tidings of them, their friends became alarmed, and two men were despatched on Monday morning in search of them. We give the result in the words of the principal witness.—"About five o'clock in the afternoon we came forward to Gladgrove Gill, my cur dog was a few yards before me, and a little terrier, which I knew to be Gillespie's came out of the Gill and barked at mine, upon which we went down the Gill and discovered Thomas Gillespie, his son Thomas, and John Huddleston, all quite dead. Thomas Gillespie, the elder, was lying on his face, with his back upwards; his son Thomas was lying between his father's thighs, John Huddleston was ly-

ing about two or three yards from them, with his face to the ground. The little boy had some bread in his mouth; John Huddleston had some rum in the flask which was in his pocket. They had no other provisions on them. Gillespie, the elder had some gold and silver in his pocket. There were no marks of violence on any of the bodies, They had been coming down the hill, and were in the right track for coming down the fell bottom into Kentmere. The death of all the three, I think, must have been caused by starvation and exhaustion, and exposure to the inclemency of the weather." Verdict—"Found dead."

## NOVEMBER.

3. **FRENCH TRIAL.** — Count Charles d'Antichamp and the Abbe Legault appeared before the court of assizes of the Loiret, held at Orleans, to plead in arrest of the judgments pronounced against them by default, as having taken part in the insurrection of La Vendee, in 1832. The accusation against the Count was founded chiefly on a proclamation published with his sanction, and which he did not attempt to deny; but the public prosecutor urged the suit with great moderation and lenity. The innocence of the Abbé was fully established, and the jury delivered a verdict of not guilty in favour of both the prisoners, who were immediately discharged, amidst the acclamations of the audience.

— **CONVICTION UNDER THE REGISTRATION ACT.**—At the Leeds Sessions, Mr. Broadbent, of Arm-

ley, was indicted for refusing to sign the register of the birth of one of his children, on the registrar demanding of him to do so. Mr. Broadbent denied that it was compulsory on him to registrar the births of his children, but the jury found him guilty. The recorder said, in passing sentence, that it was compulsory on every person to sign the requisite papers when demanded of him. This being the first offence which had come before the court, he would inflict only a fine of 40s., but in any future case he should punish it by imprisonment, as in other cases of misdemeanour.

4. THE CHAMPIONSHIP OF THE THAMES.—A long-expected contest for the championship of the Thames took place on this day, between Charles Campbell, who, some five or six years since, was the “leading star” of the river, and a waterman of the name of Coombes. The match was made for 50l. a side, the distance to be traversed being from Westminster to Putney bridge. Although the weather was unfavourable, and the rain descended in torrents, the assemblage both on the river and on shore was immense. The signal was given at twenty minutes to two. Both candidates caught it at the moment, and went away like lightning, completely distancing landsmen who rowed in fours and sixes. They were scull and scull to the Horseferry, and the style of rowing was admirable, each man laying out his strength, and taking the stroke with wonderful rapidity. At Chandler’s, Campbell had gained about a yard upon his opponent, and at Vauxhall bridge he was two lengths or more a-head. The struggle was beautiful up to the Reach, where

the labour was excessive, but Campbell increased his advantage in each half mile, and arrived first at Putney-bridge, a quarter of a mile in advance of his adversary. Campbell was greeted with a roar of cannon from the Bells’-tavern, and long and lasting plaudits; and Coombes, who was much distressed, was not without some applause. Some thousands changed owners on this occasion.

4—5. FISHERMEN DROWNED.—A melancholy catastrophe took place off the Suffolk coast. Three herring-fishing-boats were upset, and the crews, with the exception of one man, twenty-nine in number, perished. Hales, the man who was saved, belonged to the Walter and Anne; and gave the following account of the disaster to that boat.

“He was in the cabin with some of his shipmates, when he heard the master on deck sing out, ‘Hold on, my boys, here comes a heavy sea.’ Some one then said, ‘Put the helm up,’ which Hales believes was done. Another then called out, ‘Put the helm down;’ and this indecision was, it appears, fatal; the sea struck her on her broadside, and turned her completely over. The situation of Hales and his companions was now reversed — i. e. they stood upon the roof of the cabin, up to their knees in water; how long they remained in this perilous situation, it is impossible to say—Hales supposed about three hours; but the quantity of air contained in the cabin, from which all fresh supply was excluded, would not have been sufficient to afford oxygen enough to preserve one man for so long a time. His companions gradually sunk from exhaustion; but the sea having

rolled the boat on her beam-ends, Hales, by great exertions, escaped from the cabin, and hung on by the scaffolding until he was picked up by a Yorkshire coble. The remainder of the crew were of course washed overboard when the first sea struck the boat."

5. RAILWAY ACCIDENT.—This evening between nine and ten o'clock as one of the railroad police, named Chapman, was on duty between Ealing and Hanwell stations, he heard the noise of an engine approaching, and on its reaching him the engineer informed him he feared they had run over something a few yards distant. Chapman hastened to the spot, when he was horror-stricken at discovering his own father writhing in the agonies of death, the engine and tender having passed over him. The unhappy son ran to Hanwell, and fetched a surgeon, who returned with him, but all human assistance was unavailing, life being quite extinct. It appeared that the unfortunate man was proceeding along the railway with his son's supper, not anticipating the travelling of an engine at that late hour, and, being deaf, did not hear its approach.

— CHARGE OF MURDER.—  
IRELAND.—A very revolting case of cruelty, and death resulting from it, was brought before the commission court in Dublin. The perpetrator of the crime, was a man named John Joseph Carrick, who represented himself to be a monk belonging to some religious order, and who went about collecting contributions in order to establish an institution for the support and education of orphan children. On the credit of those allegations some persons thought

proper to intrust him with the care of children. In the month of May two young boys were intrusted to the prisoner; one of them, James Howlin, a boy of about 12 years, and the other, Stephen Devine, a child of only 10 years. They were committed to his guardianship on the faith of his representations that he would take them from Dublin, to a place which he called Belscaddin, in the country, where he said the establishment was to be. There was a town of that name in the county Dublin, but no such establishment as that mentioned by the prisoner ever did exist there. The boys having been with him for a couple of months, a respectable female, named Letitia Broncardi, was induced, from his representations, about the end of July, to commit John Touch, a boy about two years of age, to his care; she had stood for him at his baptism, and provided for him since. A sum of 9*l*. was collected by subscription, and was given by this woman to the prisoner, who gave her to understand that he was about to take the child to Belscaddin; but in point of fact, he carried him to an obscure lodging in Dublin, in which he had been residing, consisting of a single back room. From the evidence of the two other children, which was corroborated by several other witnesses, it appeared that the poor infant was here treated with great neglect and cruelty by the prisoner, who beat it constantly with his clenched fist on the stomach and back, poured water over its head till it was nearly smothered, and even burned its limbs by applying a lighted candle to them. It was also kept in bed all day and half starved. On the 18th of

August the child died. And on Sunday the 19th, the prisoner went to the house of the sexton of St. Michan's parish and agreed for a grave for an infant child, and instead of representing the name of the child as Touch, he said his name was James Doyle, and that his place of abode was Bridge-street; very early upon the following morning he took the body in a coffin to the churchyard of that parish, and it was there interred. On the 22nd the prisoner breakfasted with Mrs. Broncardi, but did not mention the death of the child. On the same 19th of August, the two boys who had been under the prisoner's care, and who had likewise been treated with great severity, escaped from his control, and in consequence of some communication which Howlin had with his aunt, Elizabeth Forbes, she went to the lodgings of the prisoner in John-street, and after some conversation taxed him with the death of the child; she requested him to give her admission to his room, but he refused, and in the course of a day or two the body of the child was disinterred, and found to be in a state of very rapid decomposition. The medical man who examined it, deposed that he found an inflammation in the stomach, the extent of which was calculated to account for the death, and he gave it as his opinion that the treatment which the child was said to have received was exactly what would have caused such inflammation and disease. On the 23rd of August the prisoner absconded. He was, however, pursued and arrested in Liverpool. On his trial, the jury not being able to agree, they were locked up all night; and next morning brought in a verdict of

"aggravated manslaughter." The judge said, that it was not the province of the jury, but of the Court, to consider the circumstances of aggravation; and the verdict was altered to "manslaughter." Carrick was sentenced to transportation for life.

6. DEATH OF MR. BRABAZON. —An inquest was held at Leamington, on the corpse of Mr. Henry John Brabazon, a gentleman of fortune, related to the Earl of Meath and Sir William Brabazon. Mr. Brabazon had been hunting in the morning, and after his return home walked out. Soon afterwards, he was found by a post-boy, lying in a shallow brook, quite dead. Several witnesses swore that Mr. Brabazon was perfectly collected, to all appearance, when at home. The jury returned a verdict—"Found drowned; but from what cause, there is no evidence before the jury."

7. TWENTY - FIVE PERSONS DROWNED. — Twenty-five men, employed on the Plymouth Breakwater, were drowned this afternoon, in attempting to return in an open boat from the Breakwater to Catwater. A heavy squall upset the boat; and though several boats put off to rescue them, none were saved. The boat floated ashore bottom upwards. Hundreds of persons on the shore saw the poor fellows struggling for their lives in the water; and the shrieks of the widows and children of the deceased were most distressing.

8. TRIAL AT PARIS. —Sometime ago a young man of Paris, being liable to be drawn for the army, but wishing to evade entering the service, applied to a medical man, named Desvanières, who finding



that the applicant was to a certain degree short-sighted, recommended him to bathe his eyes with a solution of nitrate of silver, which would increase the infirmity, and thereby render him exempt. The violence of the lotion produced such severe effects that the patient was imminently threatened with total loss of sight, and, overcome by the dread of becoming blind for life, put an end to his existence by suffocation. He, however, left a letter, assigning the real cause of his despair. M. Desvanières was prosecuted on this charge, and was to have appeared before the Tribunal of Correctional Police at its sitting of yesterday, but, having made default, he was condemned to imprisonment for eighteen months.

— FIRE AND LOSS OF LIFE.—

A destructive fire took place at Tamworth, in Staffordshire, by which six persons were destroyed. A large dinner-party had dined together on the Wednesday, and another on the Thursday previous, and it is supposed the fire originated from an excessive heat in the kitchen chimney. On Friday morning about three o'clock the fire was seen pouring through one of the windows, and a gentleman from Litchfield, who was sleeping in the hotel, smelt the smoke, and immediately rushed to the door; on opening it he discovered the flames bursting in, and, shutting the door, commenced an alarm. Ladders were placed up to the windows, and the gentleman escaped in his shirt. The landlord and his wife slept in the top attic, and providentially effected an escape down a steep ladder. The mother of the landlady hung out of her window, and dropped into the arms of the people below.

None of the other inmates could be seen. A ladder was placed against the window of another attic, where the servants, five in number, slept together, and a man ascending gave an alarm, but he heard or saw nothing. A man went up the staircase to look for the bar-maid, who slept on the first floor, when, horrid to relate, he trod upon something, which he discovered to be the lifeless corpse of the poor girl. It being found on the stairs, it was thought she had quitted her room to make her escape, and was suffocated in her descent. The servants' room was next explored, and there were found the five unfortunate servants quite dead. The damage done to the hotel was considerable. A woman, who had formerly been servant at the inn, went to see the dead bodies: she returned home dreadfully shocked, and it is said, died in half an hour.

— EXPLOSION OF GUNPOWDER.

—On Thursday forenoon, a quantity of gunpowder, in Mr. Hale's powder-mills, at Oare, near Faversham, exploded; and three men employed in the mill were killed, and their bodies so mutilated, that they could scarcely be recognized. Another person sowing wheat at the time of the explosion in a field, fifty yards from the mill, was literally cut in two by some of the fragments of the building. The cottages and other premises in the neighbourhood were more or less shattered.

— CITY.—At a meeting of the Court of Aldermen, Mr. Wilson, the new Lord Mayor, was sworn in. The freedom of the City was presented in a gold box, valued at fifty guineas, to Colonel Pasley, of the Royal Engineers, as a testimony of approbation of his services

in destroying the wrecks of two vessels which obstructed the navigation of the Thames.

9. LORD MAYOR'S DAY.—The annual ceremony of swearing in the new Lord Mayor, Alderman Wilson, was performed at Westminster Hall. The procession was as splendid as usual; and went by the old route from the Guildhall through Cheapside to Blackfriars Bridge, thence by water to Westminster. The morning was dull and rainy, but the weather improved towards noon. The feast was abundant and sumptuous. Lord Melbourne, Lord Palmerston, Lord and Lady Eldon, Lord Denman and several other Judges, Foreign Ambassadors, and the Prince and Princess of Capua, were among the guests.

12. ACCIDENT ON THE LIVERPOOL RAILWAY.—A serious accident occurred on the Liverpool and Manchester Railway, near Whiston, this evening. A luggage-train had left Manchester: it consisted of forty-three waggons, and was propelled by four engines, two in front and two behind. The rise of the road is about one foot in ninety; and the train, at a few minutes past eight o'clock, was seen advancing slowly up the hill at a steady pace; when all of a sudden, the Patentec, the first engine, exploded, with a noise resembling the firing of cannon; the report being heard at Prescott and other places more than a mile distant. The engine broke away from the rest of the train, and proceeded at a flying pace for three or four hundred yards along the line. It was sadly shattered, and the tubes destroyed. A search was made for the engineer and fireman, immediately on the train stopping. They had been blown

into the fields on either side of the road, full forty yards distant. Charles Warburton, the engineer, was found in a field on the right hand side of the line; his right leg was broken, and his head dreadfully crushed. Samuel Jones, the fireman, a lad of seventeen years of age, was blown in a quite contrary direction; his left leg was entirely severed from his body at the hip-joint, and was found several yards distant from the spot where his body was discovered. Both men were dreadfully scalded, and their clothes torn to shreds. None of the engineers or breaksmen on the other engines received any injury: their escape was attributed to the tender attached to the Patentec engine having formed a resistance to the power of the exploded steam. A coroner's jury found a verdict of "accidental death," with a deodand of 20*l.* on the engine. The cause of the explosion was not stated.

16. DESTRUCTION OF THE PALACE OF RAPHOE.—This magnificent structure belonged to one of the suppressed sees, and since the death of the late prelate, Dr. Bissett, had been occupied by a caretaker, employed by the ecclesiastical commissioners, whose property it was. When the fire was discovered, about nine o'clock, the alarm-bell of the palace was rung, and numbers of the inhabitants, with the constabulary, attended; but all their efforts to suppress the fire were unavailing. The conflagration is supposed to have been caused by the lighting of a fire in one of the unoccupied rooms. The only article of furniture was an organ that belonged to the late bishop, which was saved.

— ROBBERY AT BATH.—A daring burglary was committed at the

residence of Colonel Kaye, Royal Crescent, Bath, which was broken into, and property, chiefly jewels, worth 3,000*l.*, stolen. The policemen were very active on hearing of the robbery; and followed three suspected persons to Bristol, and thence on the Gloucester road. They came up with the objects of their pursuit at an inn about six miles from Bristol, where they found three men, two of whom they captured; the third escaped, but in a pocket in the cape of his cloak the jewels were found. Robberies in Bath have been frequent during the last three years, and these men were supposed to belong to the gang who committed them.

17. ALLEGED ASSASSINATION.—Between eight and nine o'clock at night, an attempt was made to murder a Frenchman, calling himself Charles Louis de Bourbon, Duke of Normandy, and pretending to be the son of Louis the Sixteenth and Marie Antoinette. He resided at 21, Clarence-place, Camberwell, where he was on the night mentioned; and having gone to the water-closet in his garden, was met on his return to the house by a man who fired two pistols at his breast: he pushed the pistols aside with his candlestick, so that two bullets entered his left arm, and two others lodged in the wadding of his coat. The assassin made his escape over a drain at the back of the garden, into George-street, Camberwell. The servants immediately brought assistance to the wounded man, and sent for a surgeon; the bullets were soon extracted, and it did not appear that his life was in danger. Desiré Rousselle, a native of Brittany, who had lately been much about the *soi-disant* duke, was the person suspected of this attempted

assassination. He was found lurking about the premises on Saturday night, as if anxious to learn the result of the attempt, or to renew it. When taken, he said he wished to retain his knife, as that was the only weapon with which he could kill himself. The shoes he wore corresponded exactly with the footmarks in the garden. He, however, denied that he was the guilty person, and said he could prove that he was in bed at the time of the attack.

A long investigation at the Union Hall Office, into the circumstances of the attack on the pretended duke, produced no fresh evidence of moment, and Rousselle was ultimately discharged; the "duke" declining to prosecute him.

— TWO CHILDREN MURDERED BY THEIR SISTER.—Two children, belonging to a poor man of the parish of Denham, Norfolk, were lately taken out of their graves in that churchyard, on the confession of a girl twelve years of age, an elder sister, of having been the cause of both their deaths. The youngest, about two months old, she killed by smothering it with a pillow, about five months previous. The eldest she confessed having caused the death of about three weeks back. This child was more than two years old. A jury having then sat on the body, a verdict was recorded—"Died from apoplexy,"—no suspicion otherwise being at that time entertained.

21. RIOTS AT TODMORDEN.—Serious disturbances occurred about this time at Todmorden, where the large factories of Messrs. Fielden are situated. The Messrs. Fielden had made themselves conspicuous by their opposition to

the introduction of the Poor Law into Todmorden ; and the working population cordially sympathized with their employers: Mr. William Ingham, overseer of Langfield, refused to collect a rate imposed under the Poor-law by the guardians of the poor in the district, of which Langfield and Todmorden form part, in consequence of numerous threats of injury to his person and property, in the event of his aiding in any way the introduction of the obnoxious law. A warrant of distress was issued against Mr. Ingham ; and, on Friday, the 16th of November, two constables proceeded to Langfield with a horse and cart to put it in execution. While they were in Ingham's house, a mob collected, broke up and burnt the cart, and turned the horse adrift. The constables were then forced to promise, on their knees, to execute no more warrants ; after which they were stripped of all their clothes, severely beaten, and driven away. They obtained refuge at a farmer's house, and escaped in the dress of millers. The mischief did not end here. On Wednesday, the 21st, a mob of at least one thousand men, armed with bludgeons, assembled at Todmorden, with the avowed design of destroying the property of persons favourable to the Poor-law. They sacked eleven houses belonging to the most respectable persons of the district ; destroyed the furniture, and set fire to the residence of Mr. Greenwood, of Hare-hill. The fire-engine was, however, sent from Messrs. Fielden's factory, and the flames were stopped. In the meanwhile the magistrates, who had taken no precautions in the first instance to prevent disturbance, sent to Rochdale and Burnley for

military assistance. On their arrival the mob immediately dispersed, and the next day all was quiet. It is said, that in no instance was any property purloined, and, according to one account, no liquor was drunk. The magistrates held a meeting next day, and swore in one hundred and fifty special constables. They then proceeded with the military and constables to the place where the Halifax constables were assaulted ; and there surrounded one of the mills of Messrs. Fielden, which they entered. They arrested forty men and boys, against whom informations had been laid. Mr. Fielden offered to bail the prisoners, but the magistrates not consenting, sent them off to Manchester New Bailey, under an escort of cavalry, and thence to Liverpool.

Sir Frederick Roe and Mr. Maule subsequently visited Todmorden, by desire of the Government, to inquire into the recent disturbances ; and suspicion having fallen upon two of Mr. Fielden's workmen, as having been concerned in the late riots, the constables demanded admission to one of the factories, for the purpose of apprehending them. On this occasion, Mr. John Fielden is said to have refused to allow his mill to be entered for that purpose, unless by force. The infantry quartered in the town were then ordered out, and drawn up in front of the factory, when the constables entered and apprehended the men.

21. MURDER.—A murder, under extraordinary circumstances, was committed in the village of Mountnessing, in Essex. Abraham Hiliard, a labourer between forty and fifty years of age, wished to marry

Susannah Playle, a widow, with whom he was believed to have had intercourse during her husband's life; but she had recently refused to have any thing to say to him. Hilliard several times threatened to kill her; and on Wednesday took his gun, went to her cottage, where she was making bread—her son, a man of thirty, being present, and deliberately shot her in the side. The son closed with the murderer, and after a fierce struggle, overpowered him, and with the assistance of another man gave him into custody. The woman died in five minutes after receiving the shot.

22. INQUEST.—A coroner's jury at an inquest, held on the corpse of Robert Watson, who strangled himself in bed at the Blue Anchor Tavern, St. Mary-at-hill, returned a verdict of "Temporary derangement." The deceased was eighty-eight years old; and, according to the account given by himself to the landlord of the Blue Anchor, a few days before his death, had been engaged in singular adventures. Watson said, that he had been deeply implicated in the riots of 1780, being at that period private Secretary to Lord George Gordon. He afterwards became president for a time to the London Corresponding Society. Having resigned that situation he went to Paris, and afterwards to Rome, where, in the year 1812, he made the discovery of some important papers relative to the Stuart family and the Papal see. These he was instrumental in obtaining possession of for the English Government; for which act of service he had obtained, he said, various sums of money.

— SENTENCE IN A CASE OF CONSPIRACY. — Lord Denman

passed sentence on two persons, Walters and Sullivan, convicted of a conspiracy to obtain by fraud a diploma of the royal College of Surgeons, in order to enable Mansell, a third party, who had been held to bail but did not appear, to practise as a surgeon. Walters who had been imprisoned ten months and lost his business, was sentenced to three months' additional confinement, and Sullivan to six months.

— MR. D'ISRAELI, M.P. — In the Court of Queen's Bench, Mr. D'Israeli appeared to receive sentence for a libel on Mr. Austin, the barrister, judgment having gone by default. The Attorney-general spoke in aggravation, and Mr. D'Israeli himself in mitigation of punishment. The defendant put strongly to the court, the circumstances of irritation under which the libellous letter was written. Taking a newspaper report as correct, confirmed as it was by parties who were present, he believed, that Mr. Austin had charged him with bribery, and subsequent refusal to fulfil the promises he had given to obtain votes. But as it appeared, that he was mistaken—that Mr. Austin had not used the language imputed to him—Mr. D'Israeli said he felt pain and mortification that he should have wounded the feelings of an honourable, learned, and respectable man, who had not attempted to injure him. He had instructed his counsel to make what he supposed would have been a sufficient apology. He touched with good humour on the power of the bar, whose hostility he had provoked; and quoted a passage from Lord Brougham's account of the duties of an advocate to his client (delivered in Queen Caro,

line's case) to show, that, according to the highest forensic authority, there was nothing — not even high treason—which the former ought to shrink from when the interests of his client required the sacrifice or the crime! In conclusion, Mr. D'Israeli said, that as to his offence against the law, he threw himself entirely on the mercy of the learned judge. He thought the apology which he had offered was such as a gentleman should, under such circumstances, cheerfully make, and with which the offended party should be cheerfully content. As to his offence against the bar he appealed, he said, with confidence to the Bench to shield him from the vengeance of an irritated and powerful profession.

The Attorney - General intimated that the apology Mr. D'Israeli now made, in connection with the instructions given to his counsel, was a sufficient reparation; and the prayer for judgment was, therefore, withdrawn.

— HIGHWAY ROBBERY.—Five men attacked a Mr. Thomas, who was returning late in the evening, from Abergavenny to Romney. They robbed him of 70*l.*, kicked and beat him brutally, and threw him into the river; but he laid hold of the sedges on the bank, and after his assailants had gone, crawled upon the road. One of the robbers was taken and sent to prison.

23. HOUSE BREAKING.—A burglary attended with circumstances of violence was committed this night. Two robbers, with blackened faces, broke into the dwelling of an old man named Wood, at Whittington, near Lichfield. They entered the room where Mrs. Wood was sleeping with a servant girl.

They stunned the girl with blows from a blunt instrument, and cut Mrs. Wood in the throat, but not so deeply as they intended. Leaving the two women, they went to Mr. Wood's room, and compelled him to give up his keys. They ransacked his cupboards, carried off some money and valuables, locked the door and went down stairs. Having eaten and drunk for some time, they piled some furniture upon the parlour-table, and set fire to it. They set fire to the house in two other places, and then decamped. Meanwhile the servant girl, who had recovered from the blows, went to her master's room, and found him nearly suffocated with smoke. The girl went down stairs and alarmed the neighbours. Mrs. Wood had managed to get out of her bedroom-window, and was found lying in a ditch, insensible, having fallen down in attempting to reach a neighbour's house.

Two men, were some time after apprehended and committed on suspicion of being concerned in the outrage.

24. SENTENCE IN A CASE OF LIBEL.—In the Court of Queen's Bench, the Rev. M. A. Gathercole was sentenced to three month's imprisonment in the custody of the Marshal of the Marshalsea, for a series of libels published in the *Watchman* newspaper, on the occupants of the nunneries in Stockton and Darlington. In passing sentence, Judge Patteson reminded the prisoner of the grossness of the libels of which he had been found guilty. We subjoin the following extract from the speech of the learned Judge.

“The libel described nunneries as brothels for the priests of the  
2 M



Popish religion, and a disgrace to Christianity and humanity; said that all such Popish stews ought to be burned to the ground, care being first taken of the unhappy victims of the system; and it then went on to ask how many Popish priests entered the nunneries at Stockton and Darlington each week, and how many infants were born in them in each year, and what became of them, whether the holy fathers brought them up, or whether they were murdered out of hand or not. This was the libel. The defendant said that he intended only to reflect on the system, but the Jury had found that he intended to reflect upon individuals. The defendant ought to have recollected that these establishments were not contrary to law, and that the inmates of them must be protected. In commenting upon them, the defendant had used language not only most gross and violent, but most bigoted. The defendant might entertain and publish his own opinions upon religious matters, but he was not to be allowed to cast imputations on individuals. The defendant had alleged that he believed what he stated, because he had read accounts of the mischiefs of auricular confessions, and he looked on them as often productive of crimes. But that showed that he was a person of little understanding, or so devoid of Christian charity, that he took for granted, that because these things had existed in other places, they must of necessity exist in all establishments whatever, and that there could not be one innocent or virtuous nun."

The defendant's inability to pay a heavy fine, or endure a long imprisonment, was mentioned by

the Judge as the reason for inflicting so lenient a sentence.

31 ATTACK ON A MAGISTRATE. — A scene of great violence took place at the residence of Captain Thurston, a magistrate and chairman of the Board of Guardians, at Pennel in Wales.

Mr. Hugh Thomas, of Machynlleth, a solicitor, and clerk to the board at that place, went to the house of Captain Thurston, on business. On the road he drank to excess; and on arriving at Pennel rode through a narrow passage into the kitchen, and asked for Captain Thurston. The coachman replied, he was in the dining-room, and that he must go to the front-door; and took hold of the horse's head to push it out of the house as well as its rider. Thomas told him, if he did not immediately leave hold of the bridle he would shoot him. The coachman persisted, and eventually closed the door: instantly Thomas fired through the panel, and the ball lodged in the fleshy part of the coachman's arm; he then discharged another pistol, without effect; and riding to the dining room windows, used most violent language to Captain Thurston. The Captain fired a gun loaded with shot twice at the horse's legs, which made it gallop away: and Thomas was soon after secured by a constable, after he had been to two houses for the purpose of obtaining more powder. He had five balls in his pockets. Being taken before the bench he was committed to Dolgelley Gaol, to await his trial. He had hitherto borne the character of a very peaceable man; and his hatred towards Captain Thurston is supposed to have originated in his opposition to his

election. The coachman was not dangerously hurt.

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## DECEMBER.

4. ACTION FOR ASSAULT. — PARIS.—In the Court of Correctional police, Mr. Somers M.P. for Sligo, was condemned to two years' imprisonment and a fine of 500 francs, for an assault in the Tuilleries gardens, on Mr. Wentworth Beaumont, late M. P. for Northumberland. The witnesses were principally soldiers of the line and national guards, on duty near the spot, and who spoke to the fact of seeing Mr. Somers strike Mr. Beaumont three or four blows with a horsewhip. Mr. Beaumont's own evidence was given with much calmness; he expressed his conviction that the whole affair was one of money on the part of Mr. Somers. A witness stated that he had furnished Mr. Somers to the amount of 1,400 francs' worth of wine, and that on applying for the money he had been put off with a promise of being recommended to Mr. Beaumont, who was a *millionaire*. But the speech of Mr. Ledru, Mr. Beaumont's counsel comprised all that was necessary for the elucidation of the affair, which resolved itself into one of demanding money to suppress a letter, and, not succeeding, the outrage complained of was committed. Mr. Somers did not appear on the trial, and it is needless to say, took care to keep out of the way.

5. A WOMAN PUT TO PUBLIC PENANCE.—A woman did penance in public at Walton Church, by order of the Ecclesiastical Court,

for defaming the character of her neighbour. The white sheet, however, was not enforced. It is many years since such an occurrence took place.

7. MURDER AT NEWCASTLE. — A murder committed in the Newcastle Savings Bank, under very strange circumstances, excited great interest. Between one and two o'clock in the morning, a servant girl, who slept in the higher story of the bank, perceiving that the building was on fire, gave the alarm, and roused the inmates. The fire was soon got under; and Mr. Joseph Armstrong, cashier of the bank, with Bell, an inspector of police, entered the room, in the dark. Mr. Armstrong struck with his foot the corpse of a man, lying near the fire-place. On procuring a light, he found that the dead body was that of John Millie, a clerk in the bank. He was, as it were, "laid out" in the middle of the hearth-rug. Twenty wounds, inflicted by a sharp instrument, were counted on his head and face. One side of the head was smashed with a dreadful blow from a poker, which lay near him. His pockets were stuffed with coal, pieces of wood, and paper, as if to insure that his body should be burnt. There were traces of blood on the desks, wainscoating, and doors. The end of the poker, which was bent a good deal, was stained with blood, and some hair was sticking to it. On the opposite side of the room, lying in a corner, Mr. Archibald Bolam, actuary of the bank, was found. He was apparently insensible, and blood flowed from a wound in his throat. The office penknife lay on the table near Bolam; and the tongs on the floor in the middle of the room. The

furniture was not displaced; the books and papers were in their usual order. Bolam's keys were on his desk; the door of the stone safe was open, but the inner iron safe was locked. Millie's hat hung on its accustomed peg. The candles were burning in their sockets. Millie had been a hardwareman in North Shields. He was a widower about fifty-four years old, with four young children.

An inquest was held on Friday, at which Bolam, after being cautioned by the magistrates, gave the principal evidence. The substance of it is comprised in the following statement:—

“ I have lately had two or three anonymous letters, threatening to do me harm; and one was put under the door of the savings' bank on Thursday evening after dark, saying that something would happen to me at home. In consequence of this, though I generally get my tea at the bank, I went home; the other clerk, Millie, having previously gone to his tea. I returned about half-past seven o'clock in the evening; and finding the door locked as I had left it, I opened it, and put the key in my pocket. When I got into the bank, I saw Millie lying on the rug, and I thought he had fallen asleep. He also had a key, and sometimes locked himself in. I then went towards my desk, intending immediately to go and speak to Millie; but while I was in the act of opening my desk, I thought I heard some one coming behind; and was in the act of turning round, when I received a blow on my right temple; from a man in disguise, with his face blackened. I immediately started up, and ran shouting towards the window, intending to give an

alarm; on which the man followed me, and said, if I stirred or made the least noise, he would serve me as he had served the other man. He struck me again, when I was near the window; and when I was down I felt a knife at my throat. Shortly after this, I became insensible for awhile; but afterwards my recollection seemed to return, and I heard something in the other office, as I supposed, going about and making a noise. I dared not make the least outcry. I burnt the threatening letters which I had previously received. The one which I found last night under the waiting-room door, I left upon my desk. I cannot well describe the man, excepting that I think he was under the middle size, and spoke roughly, but apparently in a feigned voice. I had a few shillings in my pocket, and, I think, 4*l.* 10*s.* in my desk, which was left by Mr. Airey to deposit on Saturday. In the inner safe I had a farther sum of 80*l.* of my own, which I kept to meet current expenses.”

Bolam's wound in the neck was found, on examination, to be very slight; and there were no other marks of violence on his body, except just above his left rib, and that was nothing more than a scratch. He was not known to have had any quarrel with Millie, but was apparently on good terms with him.

The surgeons gave contradictory evidence as to the effect of the blow which Bolam said he had received. Mr. Baird said, that he could not have remained insensible for several hours, (according to Bolam's account), and then recovered; and Mr. Nesham thought that he could not have been labouring under depression of the

brain: but Mr. Glenton said his senses might "come and go," and he saw marks on the temple which might have been from a blow that would have rendered him insensible for several hours.

From the evidence of other witnesses, it appeared that an attempt had been made to wash out stains of blood from the right cuff of Bolam's coat, and two towels and a piece of paper were produced from the drawer of the wash-stand; the former were stained with blood, and upon the paper were marks of bloody fingers.

There was no known deficiency in Bolam's accounts; but three recent ledgers had been taken from the bank-safe and burnt; and three memorandum-books, partially burnt and stained with blood, were found among the rubbish of the fire. Bolam has been sixteen years in the bank, and always maintained an excellent character. He had been "uncommonly kind to Millie." One of the witnesses had sworn that he found the door of the room, in which Millie and Bolam lay, locked; but Mr. Armstrong, cashier, stated positively that it was wide open.

The coroner, on summing up, directed the particular attention of the jury to the evidence respecting the cuts, and its discrepancy with Bolam's statement.

The jury deliberated for half an hour, and then returned a verdict of "Wilful murder against Archibald Bolam."

8. FIRE.—Late at night, a fire broke out in the extensive cotton-mills of Mr. Jowett, at Ashton-under-Lyne, by which one-half of the building and its machinery were totally destroyed, and nearly four hundred people thrown out of employment. There appeared

reason for believing that the fire was the work of an incendiary. Mr. Jowett had rendered himself obnoxious to the "Chartists" of the neighbourhood by his known antipathy to torch-light meetings; and still further, as a magistrate, by the committal to prison, a few weeks previous, of a boy employed in his mill, who had been found, during meal-time, amusing himself with Lucifer matches, among articles of a very inflammable nature, and who (there was reason to suspect) had been employed to set the mill on fire. The ravages of the fire were evidently looked upon with satisfaction by a large concourse of people assembled, who refused, with brutal oaths, to help in working the engines. One poor fellow stepped forward to assist; but his leg becoming entangled in the hose, was fractured in a dreadful manner. It is said that his cries for help were met by peals of laughter from the wretches present, who seemed to look upon the accident as a just judgment upon him for rendering aid.

19. CASE OF LIBEL. — The Court of Queen's Bench was occupied on Wednesday with the trial of John Joseph Lawson, printer and publisher of the Times newspaper, for a libel on Sir John Conroy. The prosecutor had obtained an absolute rule for a criminal information against the defendant. The libel appeared in the Times of the 9th of March. It imputed to "a certain newly-created baronet, attached to the household of the Duchess of Kent," mismanagement of the concerns of her royal highness, who had accumulated a debt of 80,000*l.*; towards the silent discharge of which debt, Parliament had voted an annuity of 30,000*l.* Disrespectful con-

duct to William the Fourth was insinuated against the "baronet," who, it was said, "wished to have been sent ambassador to Sweden," but the Queen refused to give him the opportunity of exhibiting his "respectful" manners to the king of Sweden. And then came the two following paragraphs, in which the pith of the offence lay —

"Should he quit his present position, we ask, where are talents to be found capable of applying a due portion of the 30,000*l.* to the liquidation of the 80,000*l.*, and who can so well understand wiping off as he who has chalked on?"

"There is another matter also worth notice. There is a certain estate in Wales, purchased and paid for not long ago. If any public inquiry should take place whence the money for the payment came, who so competent to answer the question as the baronet?"

Evidence was given of the publication and sale of the libel at the Times office.

Lord Denman charged the jury. He briefly stated the facts; and said, that the point for them was — what construction ought to be put upon the article? His lordship explained to the jury, that the question of the truth or falsehood of the libel was decided in the preliminary proceedings; and that before the court made the rule absolute, its falsehood was clearly proved. It then only remained for the jury, being satisfied of the fact of publication, and that the prosecutor was the party to whom the article applied, to say whether the imputations were defamatory or not. The jury immediately returned a verdict of "guilty."

Lawson was sentenced to one

month's imprisonment, and to pay a fine of 200*l.*

20.—SCOTLAND. — The second centenary of the rising of the memorable Assembly of the Church of Scotland, held at Glasgow in 1638, was celebrated at Glasgow on this day. The lord provost, counsellors, magistrates, the presbytery, clergymen, preachers, students, and citizens, went in solemn procession to the High Church, where a sermon was delivered by Dr. Muir, moderator of the General Assembly. In the evening, about five hundred persons dined together in the Trades' Hall: and two hundred more, who dined in a side-room, were admitted into the hall after dinner.

27. APPREHENSION OF MR. STEPHENS. — Great endeavours had of late been made in the manufacturing districts to excite the people against the new Poor-law. Two persons, Mr. Oastler and Mr. Stephens, the latter a preacher in the Wesleyan Connexion, had distinguished themselves by the violence of their harangues on this subject. At a meeting held at Leigh, in Cheshire, in the month of November, Mr. Stephen's speeches were of such a nature as to compel the interference of the magistrates, who issued a warrant for his apprehension. The warrant charged Stephens with "having used violent and inflammatory language, and thereby endeavouring to excite the persons assembled to violence against the persons and property of certain of her Majesty's liege subjects in Leigh and the neighbourhood."

Mr. Stephen's was accordingly arrested on the 27th December, and carried to Manchester under a strong escort. Next day the examination of the prisoner took

place at the New Bailey, in that town.

The first witness called was Mr. James Johnson, linen-draper, of Leigh, who was present at the meeting of the 13th November—He was at the window in the third story of the Fox public-house. He should suppose there were from two to three thousand people at the meeting. They commenced assembling about nine o'clock in the morning. There was a cart for hustings, and Mr. Stephens spoke from it for two hours and thirty-five minutes, when witness went away. For the first half-hour witness thought he never heard a gentleman address an assembly better, than Mr. Stevens did; but, after then, he began talking about the poor-law and the factories, and mentioned the names of witness's neighbours, who were mill-owners or guardians. He mentioned the names of Mr. Pownall and Mr. Jackson. Mr. Pownall is chairman of the board of guardians, and Mr. Jackson is another guardian. Witness could not say exactly what he said in reference to these gentlemen; but he quoted some part of scripture, and said, to destroy a poor-law guardian was doing God service; and this language witness understood to apply to the gentlemen he had named. He also mentioned the name of Mr. Jones, a cotton-spinner, who has a factory in the neighbourhood. Mr. Jones is not a guardian. When he introduced Mr. Jones's name, he was speaking of the factories, and the deplorable state which the people were in. He condemned the practices in the factories, and advised the people to arm themselves. He told them to get their guns or

pikes, and have them over their chimney-pieces. They were to have them ready, and he would come over, and they were to appoint him their leader. When he came over, he would tell them what they were to do. He then alluded to a lad in Mr. Jones's mill, whom he said Mr. Jones had struck or beaten. When the grand attack was to be made, they were to go to the factories with a dagger in one hand and a torch in the other. He also talked about tarring and feathering Mr. Jones, and sending him as a present to the commissioners. While he was addressing the people, pistols were frequently let off, and pikes held up. Witness saw a pike himself which had a loaf and a herring stuck on it. The pistols were fired so frequently, that Stephens interfered, and said there was too much cracking; he had not done cracking himself yet, and they might crack by and by. Witness saw about twenty pistols himself, and parties went up and down the street firing them off. This meeting excited a great deal of alarm among the peaceable inhabitants. Witness felt alarm then, and felt alarm still.

Mr. Stephens cross-examined this witness at great length; but the only modification of his evidence, worth notice, was that Mr. Stephens, when speaking of a general rise, did not say, what it was for, nor when it was to be.

William Coward, a constable, of Leigh, heard part of Mr. Stephens's harangue. After quoting the text "Vengeance is mine, and I will repay, saith the Lord," he added, "What I mean to say is this, that God has perhaps raised up you to fire down these buildings (alluding to houses round



about), and perhaps even that venerable church which our forefathers have erected." He advised the people to give up their seats in churches and chapels, to take their children from the different places of worship, and to save their pennies to buy guns, pikes, and pistols. The same witness attended a torch-light meeting at night, and heard a speech from the prisoner. He spoke about soldiers and officers, and advised the people not to be afraid, for all was right between the soldiers and him, and the people had nothing to fear from that quarter. He spoke of the different labours and sufferings that people had to go through in factories; and he then alluded to the employers; and fire was mentioned—whether with respect to mills, or to doing something to the employers. witness could not tell. He called Richard Yates, a local preacher, who had been made a poor-rate collector, the diabolical Richard Yates, and said he would die on a dung-hill. He told the meeting, that if he lived at Leigh, he would go to the poor-law guardians, by half a dozen, a dozen, or two dozen at a time in a body, and he would bring a guardian out, he would not hurt him, but he would take off his coat, waistcoat, and shirt, and he would then get a pillow of feathers, and he would feather him, and get a barrel of tar, and he would tar him right well over; and when he had done that he would say to him, "Go to roost thou devil!" And if he had wings, and were to fly, they would wonder what kind of a bird he was.

This witness said that he gave his evidence against Mr. Stephens with great reluctance. He belonged to the Wesleyan connexion him-

self, and Stephens's father had been a highly respectable Wesleyan preacher. He loved every man, and hated no one; but he felt bound to declare, that since Mr. Stephens had been at Leigh, there was more irritation among the people than ever he had before known, and he had lived there many years. Since Mr. Stephens had been there, more arms had been collected together than he had ever before heard of or known. He knew one or two smithies now where they were actually employed making pikes. They were principally of steel, some of steel and iron, and were fourteen or fifteen inches long, with a screw at the one end to screw into a socket, and they were very sharp at the pointed end. This had been much more actively going on since Mr. Stephens's visit to Leigh, and several gentlemen had been threatened either to have a pike or a ball into them; and he thought when a man bought a loaf in a shop, and said to the seller, clapping his hand on a pike in his breast, "the next loaf I fetch, I shall fetch it with this pike," that was enough to alarm any one.

On his cross-examination by Mr. Stephens, he said, "Mr. Stephens did not, either at the day or night meeting, say anything about fire and factories, or firing factories, or burning factories, that he heard. Witness had seen a hundred pikes at least since the meeting; he thought there was one in nearly every house in the township of Bedford, and a good many in Leigh; and the grinders might be seen grinding eight or ten or twenty pikes in open day. He had seen a hundred or two, some in the open air, others hanging up over chimney-pieces, in houses

just as Mr. Stephens had advised them to do, all ground, sharpened, and ready for action.

The enquiry was adjourned for a few days, and Mr. Stephens, meanwhile, was liberated on giving bail. He employed the interval in uttering fresh tirades against the poor-law, and, on one occasion, from the pulpit solemnly denounced the curse of God on whoever should aid in setting it up. On his next examination, about 4,000 people were assembled in the vicinity. James Dean, a fresh witness, corroborated the previous evidence, with some additions. At the torch - light meeting at Leigh he said, Mr. Stephens observed, that the question under discussion was "a knife

and fork question, and a bread and cheese question." Some man in the meeting shouted, "We have no beef; we have no use for knives and forks." Mr. Stephens said, "Take them and put them to your tyrants' throats, and see how they will fit them."

No further evidence was offered Mr. Stephens's address to the bench consisted chiefly of a narrative of the previous proceedings at his arrest, examination, and conveyance from Worsley to Manchester, like another Duke d'Enghien, at night by a military escort.

The magistrates directed the prisoner to be committed for trial at the next Liverpool assizes; but agreed to take bail for his appearance.

# APPENDIX TO CHRONICLE.

## LIST OF THE QUEEN'S MINISTERS.

Viscount Melbourne .....	<i>First Lord of the Treasury.</i>
Right hon. Thomas Spring Rice ..	<i>Chancellor of the Exchequer.</i>
Lord Cottenham .....	<i>Lord Chancellor.</i>
Marquess of Lansdowne .....	<i>President of the Council.</i>
Lord Duncannon .....	{ <i>Lord Privy Seal and First Commissioner of Land Revenue.</i>
Lord John Russell .....	
Viscount Palmerston .....	<i>Secretary of State for the Home Dept.</i>
Lord Glenelg .....	<i>Secretary of State for Foreign Affairs.</i>
Earl of Minto .....	<i>Secretary of State for the Colonies.</i>
Rt. hn. Sir John Cam Hobhouse ..	<i>First Lord of the Admiralty.</i>
Lord Holland .....	<i>President of the Board of Control.</i>
Viscount Howick .....	<i>Chancellor of the Duchy of Lancaster.</i>
Rt. hon. Charles Poulett Thomson	<i>Secretary at War.</i>
	<i>President of the Board of Trade.</i>

\*.\* *The above form the CABINET.*

Earl of Lichfield .....	<i>Postmaster-General.</i>
Rt. hn. Sir Richard H. Vivian, bt.	<i>Master General of the Ordnance.</i>
Marquess of Conyngham .....	<i>Lord Chamberlain.</i>
Duke of Argyll .....	<i>Lord Steward.</i>
Earl of Albemarle .....	<i>Master of the Horse.</i>
Marquess of Winchester .....	<i>Groom of the Stole.</i>
Lord Morpeth .....	<i>Chief Secretary for Ireland.</i>
Right hon. Sir Henry Parnell, bt.	<i>Paymaster General.</i>
Right hon. Henry Labouchere ....	{ <i>Master of the Mint and Vice President of the Board of Trade.</i>
Sir John Campbell, knt.	
Sir Robert M. Rolfe, knt. ....	<i>Attorney-General.</i>
	<i>Solicitor-General.</i>

## I R E L A N D.

Earl of Mulgrave .....	<i>Lord-Lieutenant.</i>
Lord Plunket .....	<i>Lord Chancellor.</i>
M. gen. Sir Edw. Blakeney .....	<i>Commander of the Forces.</i>
Stephen Woulfe, Esq. ....	<i>Attorney-General.</i>
Maziere Brady, Esq. ....	<i>Solicitor-General.</i>

## LIST OF SHERIFFS FOR 1838.

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<i>Bedfordshire</i> .....	J. Harvey, of Ickwell, Esq.
<i>Berkshire</i> .....	W. H. H. Hartley, of Bucklebury Cottage, Esq.
<i>Bucks</i> .....	R. R. Clayton, of Hedgerley Park, Esq.
<i>Cambridge and Huntingdonshire</i> }	W. Layton, of Woodhouse, Ely, Esq.
<i>Cheshire</i> .....	G. C. Legh, of High Legh, Esq.
<i>Cornwall</i> .....	J. T. Austen, of Place, Esq.
<i>Cumberland</i> .....	John Dixon, of Knells, Esq.
<i>Derbyshire</i> .....	E. A. Holden, of Aston-on-Trent, Esq.
<i>Devonshire</i> .....	Sir J. L. Rogers, of Blatchford, Bart.
<i>Dorsetshire</i> .....	R. B. Sheridan, of Frampton, Esq.
<i>Durham</i> .....	Sir R. J. Eden, of Windleston, Bart.
<i>Essex</i> .....	W. Cotton, of Wallwood, Leyton, Esq.
<i>Gloucestershire</i> .....	E. Sampson, of Henbury, Esq.
<i>Hampshire</i> .....	A. R. Drummond, of Cadlands, Esq.
<i>Herefordshire</i> .....	R. B. Phillipps, of Longworth, Esq.
<i>Hertfordshire</i> .....	C. G. Thornton, of Tewin, Esq.
<i>Kent</i> .....	T. T. Alkin, of Hunton Court, Esq.
<i>Lancashire</i> .....	W. Blundell, of Crosby Hall, Esq.
<i>Leicestershire</i> .....	Sir C. E. Hartopp, of Knighton, Bart. 1
<i>Lincolnshire</i> .....	Sir C. E. Smith, of Nettleton, Bart.
<i>Monmouthshire</i> .....	J. Jenkins, of Caerleon, Esq.
<i>Norfolk</i> .....	Sir J. Flower, of Eccles, Bart.
<i>Northamptonshire</i> ....	J. Reddall, of Dallington, Esq.
<i>Northumberland</i> ....	J. Cookson, of Meldon Park, Esq.
<i>Nottinghamshire</i> ....	T. W. Edge, of Strelley, Esq.
<i>Oxfordshire</i> .....	W. P. W. Freeman, of Fawley Court, Esq.
<i>Rutlandshire</i> .....	M. Laxton, of Greetham, Esq.
<i>Salop</i> .....	W. W. Whitmore, of Dudmaston, Esq.
<i>Somersetshire</i> .....	R. Phippen, of Badgworth Court, Esq.
<i>Staffordshire</i> .....	John Stevenson Salt, of Weeping Cross, Esq.
<i>Suffolk</i> .....	T. Halifax, Sen. of Chadacre Hall, Esq.
<i>Surrey</i> .....	T. C. B. Challoner, of Potnalls Park, Esq.
<i>Sussex</i> .....	G. H. M. Wagner, of Hurstmonceaux, Esq.
<i>Warwickshire</i> .....	S. J. Loyd, of Wolvey, Esq.
<i>Wiltshire</i> .....	T. A. Smith, of Tidworth House, Esq.
<i>Worcestershire</i> .....	R. Berkeley, Jun. of Spetchley, Esq.
<i>Yorkshire</i> .....	Sir R. F. Russell, of Thirkleby, Bart.

## WALES.

<i>Anglesey</i> .....	W. B. Panton, of Garreglwyd, Esq.
<i>Carnarvonshire</i> .....	Sir R. B. W. Bulkeley, of Plasynant, Bart.
<i>Denbighshire</i> .....	S. Sandbatch, of Hafodunos Abergele, Esq.
<i>Flintshire</i> .....	E. Morgan, of Golden Grove, Holywell, Esq.
<i>Merionethshire</i> .....	J. M. Kerr, of Plas Issa, Esq.
<i>Montgomeryshire</i> ....	M. Williams, of Brongwyn, Esq.
<i>Breconshire</i> .....	J. D. Thomson, of Sunnybank, Esq.
<i>Cardiganshire</i> .....	W. T. Jones, of Gwynfryn, Esq.
<i>Carmarthenshire</i> ....	H. Gwyn, of Blaensawddes, Esq.
<i>Glamorganshire</i> .....	N. V. E. Vaughan, of Lanelay, Esq.
<i>Pembrokeshire</i> .....	J. Colby, of Fynone, Esq.
<i>Radnorshire</i> .....	Sir J. D. Colt, of Llanyne, Bart.

## BIRTHS.

1838.

## JANUARY.

5. At Heanton Satchville, Devon, the right hon. lady Clinton, of a son.

6. At Ledstone Hall, Yorkshire, the hon. lady Broadhead, of a son.

— The wife of the hon. H. T. Stanley, of a son.

7. In Portland-place, the lady of Peter Borthwick, esq., M.P. of a daughter.

14. At Lansdowne Crescent, Bath, the lady of Sir W. S. R. Cockburn, bart. a son.

18. At Dowlais House, lady Charlotte Guest, a son.

— At Warblington Lodge, Hants, the lady of Major Sir Greville Temple Temple, bart., a daughter.

21. At Llandough Castle, Glamorganshire, the lady of Philip Sheppard, esq., a son.

26. At Compton Bassett, the lady of G. Sloane Stanley, esq., a daughter.

27. In Hill-st., the lady of William Strahan, esq., a son and heir.

28. The Countess of Burlington a son.

— At Leamington, the Viscountess Dillon, a daughter.

— In Portland-place, the lady of Captain Goldie Tauman, Scots Fusilier Guards, a son.

31. At Richmond, the wife of Col. sir J. Bryant, of twins, a boy and a girl.

— At Knowle Hall, Somersetshire, the lady of John Edward Venables Vernon, esq., of Clontarf, Castle, Ireland, a son and heir.

## FEBRUARY.

1. At the Vicarage, Meriden, the lady of the hon. and rev. William Somerville, a son.

— At Le Mans, department of La Sarthe, France, the lady of Lieut. Col. Lindsay, C.B. a daughter.

3. At Nocton, Lincoln, the lady of the hon. rev., the Dean of Windsor, a son.

7. The Countess Albizzi, a son.

8. At Seend, Wilts, the lady of W. H. Ludlow, Bruges, esq., M.P. a daughter.

9. At Gloucester, the lady of Colonel Sir Charles Dance, K.H., a son.

10. At Old Windsor, the hon. Mrs. Every, a daughter.

— In Dublin, the lady of the hon. Major Southwell, a daughter.

14. At West-end House, the lady Elizabeth Orde, a daughter.

— At Fire Grove, Farnham, Surrey, at the house of Sir G. H. Barlow bart.. G.C.B., the lady of Richard Wellesley Barlow, esq. a daughter.

— At Bisham Cottage, Marlow, lady Hiurich, a son.

18. At Colonel William Gooch's, Carlton, near Pontefract, the lady of the rev. Henry Milles Astley, a son.

19. At Convamore, County of Cork, the Countess of Listowell, a son.

22. At Naples, Viscountess Chelsea, a daughter.

24. At Stratford Green, Essex, the lady of Wilson Jones, esq., M.P., a son.

— At Brighton, the lady of the rev. Charles Goring, of Twineham, Sussex, a daughter.

25. At Titsey-place, the lady of William Leveson Gower, esq., a son and heir.

26. In Norfolk-st., the hon. Mrs. Ellison, a daughter.

27. At the Cedars, Putney, the lady of Colonel the hon. Leicester F. Stanhope, a son.

— At Park-st. Grosvenor-square, the lady of the hon. W. Fraser, a son.

— At Derwent-lodge, Keswick, the hon. Mrs. J. R. Curzon, a daughter.

## MARCH.

4. At Naples, the lady of John Kennedy, esq., her Majesty's Secretary of Legation, a son.

5. In Great George-street, Westminster, the wife of S. Villiers Surtees, esq., one of her Majesty's Judges in the island of Mauritius, a son.

— At Vienna, the hon. lady Stirling, a son.

— At his house in Merrion-square, Dublin, the lady of William Johnson, esq., chief Filazer of the Court of Queen's Bench, and eldest son of the hon Judge Johnson, a son and heir.

## BIRTHS.

8. At Heath Hall, the hon. Mrs. Smyth, a daughter.

11. In Mansfield-street, the lady of Richard Jenkins, esq. M.P., a son.

— In Portman-square, the lady of Sir J. P. Orde, bart., a son.

14. At George-street, Hanover-sq., the lady of the hon. and rev. Charles A. Harris, a son.

15. At the house of her father, Robert Williams, esq., Grosvenor-square, the lady of Arthur H. Dyke Acland, esq. a daughter.

16. In Charles-street, Berkeley-sq., the hon. lady Rushout Cockerell, a daughter.

20. At Auchenbowie, Stirlingshire, lady Vere Cameron, a daughter.

21. At Rushmore-lodge, Dorsetshire, the hon. Mrs. Osborne, a daughter.

— At Brighton, lady Augusta Seymour, a son.

22. Tickhill-castle, the lady of Edmond L'Estrange, esq., son and heir.

24. In Great Cumberland-street, the lady Caroline Turnor, a son and heir.

— At Colonel Delap's in Harley-street, the hon. Mrs. Foster Delap, a daughter.

26. In Stanhope-street, the Countess Cowper, a daughter.

28. In Lower Grosvenor-street, the right hon. lady De Tabley, a daughter.

## APRIL.

3. At Eaton-square, the residence of his father, Lord Lorton, the lady of the hon. L. Harman King, son and heir.

4. In Tilney-street, lady Caroline Townley, a daughter.

— In Eaton-place, lady Marcus Hill, a daughter.

— Arbuthnott House, lady Jane Graham Drummond Arbuthnott, a daughter.

— The lady of sir Harry Verney, bart., M.P., a son and heir.

7. St. James's Place, the hon. Mrs. Spencer, a daughter.

— At the Craig, Bowness, Windermere, the lady of sir Thomas Sabine Pasley, bart., a son.

8. The Countess of Guildford a daughter.

— In Hunter-street, Brunswick-sq., the lady of the hon. R. V. Powys, a son.

— At Dunstable Villa, Richmond, the right hon. lady Louth, a son.

13. At Leamington, the lady of sir Walter Carew, bart., of Hacombe, Devon, a son.

14. In Eaton-place, the lady of sir Thomas Fremantle, bart., M.P., a daughter.

— At Ashford-grove, near Ludlow, the Comtesse De Croismare, twin boys, one of whom only survived his birth.

16. In Stanhope-place, Hyde-park, the lady of Mr. Sergeant Adams, a son.

19. At Glenfinlas-street, Edinburgh, the lady of sir Charles Dalrymple Fergusson, of Kilkerran, bart., a daughter.

— In Dublin, the lady of the O'Connor Don, M.P., son and heir.

— In South Audley-street, the lady of the hon. F. Scott, a daughter.

25. In Albermarle-street, Mrs. Throckmorton, a son.

— At Kiddington, Oxfordshire, the lady Vaux, of Harrowden, a son.

— At Stockton-hall, the hon. Mrs. Heathcote, a daughter.

26. At Brook-street, the lady of major the hon. George Keppel, a daughter.

28. At Minestead Lodge, Hants, lady Catherine Buckley, a son.

29. At Copenhagen, the Countess Danneskiold Samsoe, a son.

— At Sherfield-house, the lady of sir John N.R. Campbell, a son.

30. In South Audley-street, the lady of the hon. Francis Scott, a daughter.

— At Woodstock, Upper Canada, the lady of the hon. Peter Boyle De Blaquiere, a daughter.

## MAY.

2 At the Earl of Harrowby's, Grosvenor-square, the lady Louisa Fortescue, a son.

— At Itchen Stoke, the lady of the hon. and rev. Frederick Baring, a son.

5. Lady Lyndhurst, a daughter.

— At Mivart's Hotel, Lower Brook-street, the lady of Hubert De Burgh, esq., a son.

7. In South-street, the lady of Edward Strutt, esq., M.P., a son.

9. In Wilton Crescent, the viscountess Deerpurth, a son.

— At Kemp Town, Brighton, the lady Jane Knox, a daughter.



## BIRTHS.

13. At Woolmer's, Herts, the lady Susan Hotham, a son.

15. At Mivart's Hotel, her royal highness Penelope Carolina Borbone, Princess of Capua, a daughter.

— In Berkeley-square, the lady of Viscount Adare, a daughter.

— The lady of John Humphrey, esq., M.P., of Clapham Common, a son.

16. The Duchess of Sutherland, a daughter.

18. At Beech-hill Park, near Barnet, lady Barnes, a daughter.

19. In Baker's-street, Portman-sq., the hon. Mrs. Macleod of Macleod, a daughter.

21. At Holwell, Hertfordshire, the lady of the rev. Charles Delme Radcliffe, a daughter.

24. At Miriams, Mrs. Morgan Thomas, a son and heir.

25. In Eaton-square, lady Agnes Byng, a daughter.

— At Aberdona, Scotland, the hon. Mrs. James Erskine Murray, a daughter.

— At Edinburgh, the hon. Mrs. Coventry, a daughter.

30. In Hamilton-place, lady Muncaster, a daughter.

31. In Upper Grosvenor-street, the lady of James Weir Hogg, esq., M.P. a daughter.

## JUNE.

2. In Portland-place, the lady of James Wigram, esq., a son.

3. At Jennings, Kent, the lady of Edward Barret Curteis, esq., of Windmill-hill, Sussex, a son and heir.

— In St. James's-square, lady Georgiana E. C. Grey, a daughter.

7. At the Vicarage, Longton, near Lichfield, the lady of the rev. Stuart Majendie, a daughter.

— At Mote Park, Ireland, the right hon. lady Crofton, a son.

9. At Longworth, the lady of Robert Biddulph Phillipps, esq., High Sheriff of the county of Hereford, a daughter.

15. In Eaton-square, the lady of R. Bernal, esq., M.P., a daughter.

18. In Grosvenor-square, the Countess of Carnarvon, a son.

— At Colebrook, Fermanagh, lady Arabella Brooke, a son.

21. In Grosvenor-square, the hon. Mrs. Rous, a son, still born.

— The lady of O'Gorman Mahon, a son and heir.

23. the lady of the rev. sir Herbert Oakley, bart., a daughter.

— In Portland-place, lady Oxmantown, a son still-born.

25. At Zierow, in Mecklenburg Schwerin, the Baroness de Biel, a daughter.

26. At Kirkee, near Poonah, the lady of Sir Keith A. Jackson, bart., of her Majesty's 4th Light Dragoons, a daughter.

28. At Cheltenham, the hon. lady Williamson, a son.

28. At Belgrave-square, lady Fanny Howard, a son.

29. In Lower Seymour-street, the hon. Mrs. Carnegie, a daughter.

30. At Torquay, Devon, the hon. Mrs. William Towry Law, a daughter.

— In St. James's Place, the lady Sondes, a daughter.

## JULY.

3. In the Champs Elysée, Paris, the lady of the Hon. St. John Butler, a son and heir.

4. In Nottingham Place, the Right Hon. the Viscountess Hood, a son and heir.

5. The Hon. Mrs. Charles Magra, a son.

7. At Gormanston Castle, the lady of the Hon. Edward Preston, a daughter.

12. In Eaton Place, the wife of J. W. Childers, Esq. M.P. of a daughter.

13. At the Bishop of Oxford's, in Montague-square, lady Charles Thynne a son.

— At Woolley Lodge, Berks, the lady of Robert Doyne, esq. jun. a son and heir.

16. At Sheffield, the wife of Patrick O'Brien, Scargill-croft, of five female children. The mother, with three of the children, were said to be doing well.

14. At Weymouth, the lady of lieutenant-col. Todd, a son.

15. In South Audley-st the lady of Edward Vansittart Neale, esq., a daughter.

— At St. Agnes' Villa, Bayswater, the lady of the hon. W. E. Fitzmaurice, 2nd. life guards, a son.

16. At Nea House, the lady of lieutenant-col. G. Cameron, a daughter.

## BIRTHS.

18. In South Audley-street, the hon. Mrs. G. Hope, a son and heir.

— At Lochryan House, the lady of lieut.-gen. sir Alexander Wallace, bart. K.C.B., a daughter.

23. At her house in Lower Berkeley-street, Mrs. Maberley, a son.

— At Woburn Abbey, the lady Charles Russell, a daughter.

At Antigua, the lady of his excellency lieut.-col. Sir W. M. G. Colebrooke, a son.

23. In Park-st. Grosvenor-square, the lady Robert Grosvenor, a son.

— At Boxley, Kent, the lady Margaret Marsham, a daughter.

25. At Acton, the lady of Sir Archer Denman Croft, bart., a son.

25. At Brighton, Lady Rivers, a son.

30. The lady of J. Wyndham Bruce Price, esq., M.A., barrister-at-law, a son.

## AUGUST.

7. At New York, the wife of James de Lancey Walton, Esq., a son and heir.

12. At the Dowager Lady Arundell's, the hon. Mrs. Neave, a daughter.

15. At Wilton Castle, Mrs. Charles Lowther, a daughter.

— At Dittisham, Devon, the Lady Henry Kerr, a son.

17. At the Rectory Chelmsford, the Hon. Mrs. Carew St. John Mildmay, a daughter.

18. At the Banqueting House, Hampton Court Palace, the lady of colonel sir James Reynett, a daughter.

19. In Lower Brooke-st., the hon. Mrs. Arthur Duncombe, a son.

21. At Eden Hall, lady Musgrave, a son.

— At Shelbrooke Park, the lady Louisa Cator, a son.

— At Pitlurg, Aberdeenshire, Lady Seton, of Pitmedden, a daughter.

24. At Byam House, Brighton, the marchioness of Abercorn, a son and heir.

— At Gorhambury, the seat of her father, the earl of Verulam, the countess of Craven, a son and heir.

— At Lewknor Vicarage, the lady Caroline Garnier, a son.

— At Hayes, Middlesex, the lady of colonel James Grant, a son.

— At Westbrook, the lady Georgiana Ryder, twin daughters.

25. At Castletown, county Kilkenny,

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the lady of William Villiers Stuart, M.P., a daughter.

## SEPTEMBER.

3. At Bognor, the lady of sir Henry Durrant, bart. of Scotton Hall, Norfolk, a son and heir.

5. At Chirk Castle, Denbighshire, the lady of Robert Myddleton Biddulph, esq., a daughter.

8. At St. Helier's, Jersey, the lady of sir C. Edmond Carrington, a daughter.

10. The lady of S. Y. Benyon, esq., of Denston House, near Newmarket, a daughter.

13. In Upper Brook-st., Lady Mary Farquhar, a son.

— At Grosvenor-place, Lady Mahon, a son and heir.

— At his house, 9, Park-cresct., Portland-place, the lady of the hon. Baron Alderson, a daughter.

21. At her house at Clifton, near York, Mrs. Croft Brooke, a daughter.

22. At Stanmer, the countess of Chichester, a son.

23. At Ochtertye, Lady Keith Murray, a daughter.

— At Leamington, the hon. Mrs. Abercromby, a son.

27. At Smeaton, the lady of sir Thomas B. Hepburn, M.P., a daughter.

29. The lady of Adrian Hope, esq., Carlton Gardens, a son.

30. At Brighton, Lady Graham, a son

## OCTOBER.

2. At Theobalds, Herts, the lady of colonel W. Miles, a son.

3. At Paris, in the Place Vendome, the lady of Kenelm Henry Digby, esq., a daughter.

— At Ingestrie, the hon. Mrs. Talbot, a son.

4. The lady of T. Lee, esq., of Dynas Powis, Glamorganshire, a son.

5. At Studley Castle, the lady of sir Francis Goodricke, bart., a son.

6. In York Terrace, Regent's Park, the lady Agneta Bevan, a son.

8. In Grosvenor-square, the lady Harriet Corry, a son.

— At Goldsborough Hall, Yorkshire, the lady Louisa Lascelles, a daughter.

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## BIRTHS.

13. At Rogate, the lady of colonel Charles Wyndham, a son.

16. At Leyton, Essex, the lady of W. T. Copeland, esq., M.P., a son.

20. At Brighton, lady John Russell, a daughter.

— At Burghley, the marchioness of Exeter, a son.

23. In Dover-street, the viscountess Valletort, a son.

— At Oulton Park, lady Grey Egerton, a son.

— In Berkeley-square, the hon. Mrs. Spalding, a son.

## NOVEMBER.

2. At Hammersmith, the baroness de Moncorvo, a son.

3. At West Hill, Wandsworth, the lady of the late Hugh M. Bunbury, esq. a son.

4. The wife of C. D. Loveday, of the Edgeware road, three boys.

6. At St. Leonard's-on-the-Sea, Mrs. Goodenough, the lady of the dean of Wells, a son.

7. In Belgrave-street, the countess of Pomfret, a daughter.

8. In Grosvenor-square, the Countess of Galloway, a son.

12. At Chelsea College, the Lady Wilson, a son.

15. At Harewood House, Yorkshire, the Lady Louisa Cavendish, a son.

— At Durrow Abbey, King's County, the seat of her father, the earl of Norbury, the Lady Helen Stewart, a son and heir.

16. At Elsham, Lincolnshire, the lady Mary Corbett, a daughter.

— At the seat of viscount Maynard, Easton Lodge, the hon. Mrs. Capel, a daughter.

17. At Harewood House, Yorkshire, the lady Caroline Lascelles, a daughter.

23. At Wreckleford House, Dorset, the hon. Mrs. Henry Ashley, a daughter

— At Albyn Place, the lady of sir Charles Gordon, a son.

— Lady Agnew, a daughter.

26. At Florence, the hon. Susan, wife of sir George Caulfield, a daughter.

28. At Brafield House, near Olney, Bucks, lady Sophia Tower, a daughter.

30. At Martoun House, the hon. Mrs. Scott, a son.

## DECEMBER.

1. At Belvoir Park, County Down, the lady of Sir Beresford B. M'Mahon, bart., a daughter.

— At The Hall, Kirby Bedon, Norfolk, the lady of Henry Stracey, esq., a son and heir.

2. At Beaufort Castle, the right hon. Lady Lovat, a son.

5. At Ashfield Lodge, Suffolk, the right hon. Lady Thurlow, a son.

6. At Montreal, Kent, viscountess Holmesdale, a son.

8. In St. James's Place, the lady of sir George Seymour, R.N., a son.

13. At Wimpole, the countess of Hardwicke, a daughter.

14. At the Rectory, Abbots Ann, Hants, the lady of the hon. and rev. Samuel Best, a son.

— In the island of Madeira, the lady of Lieut.-colonel D'Arcy, K.S.L., of a son.

16. At Lissodell, Sligo, the seat of sir Robert Gore Booth, bart., the lady of Henry Gore Booth, esq., a son.

19. At Adelthorp House, the lady Eleanor Cathcart, a son and heir.

20. At Tonbridge Wells, the lady Sarah Taylor, a son.

— At Whittinghame House, the lady of Henry A. Hubert, esq. a daughter.

27. At Sidmouth, the lady of John Kinloch esq., of that ilk, and of Kilin, a son and heir.

28. At Wilton House, the countess of Dunmore, a daughter.

29. At Edinburgh, the hon. Mrs. Trotter, of Ballindean, a daughter.

— At Agra, India, the hon. Mrs. Dalzell, a son.

— At Earlstoun, the lady of sir John Gordon, bart., a son.

## MARRIAGES.

1837.

## NOVEMBER.

16. At Monghyr, Bengal, the hon. Edmund Drummond, of the civil service, third son of viscount Strathallan, to

## MARRIAGES.

Julia Mary, daughter of J. C. C. Sutherland, esq., of Calcutta, secretary to the law commission.

to Jemima Montgomery, eldest daughter of James Montgomery, esq.

## FEBRUARY.

1838.

## JANUARY.

4. At Cricket St. Thomas, Somersetshire, Yonge Hugh Holbech, esq., eldest son of William Holbech, esq., of Farnborough, Warwickshire, to the hon. Jane Sarah Hood, daughter of the right hon. Lord Bridport.

— At Knock Breda church, county Down, Capt. sir Beresford B. M'Mahon, bart., of the Scots' fusileer guards, to Maria Catherine, eldest daughter of sir Robert Bateson, bart., of Belvoir Park, county Down, and M.P. for the county of Londonderry.

— Peter, youngest son of the late Major T. B. P. Hardy, R.A., to Harriet, daughter of the late Major-General C. C. Campbell, of Barbreck, Argyleshire.

10. At Edgbaston church, by the venerable archdeacon Corbett, George, only son of Bartholomew Hounsfield, esq., of Clough House, Sheffield, to Maria, only daughter of Joshua Scholefield, esq., M.P., of Edgbaston Grove, near Birmingham.

15. At the British embassy, and afterwards at St. Roch, according to the rites of the Catholic church, Nicholas Alfred Power, esq., of Bellevue, in the county of Kilkenny, Ireland (eldest son of the late member for the county of Waterford), to Margaret Jane Anne, only daughter of R. D. Cane, esq., late major of the 5th dragoon guards.

25. At Henlan, the Rev. Harry Oven-den Wrench, B.C.L., of Worcester college, Oxford, to Helen Diana, eldest daughter of George Cumming, esq., M.D., of Dolhyfrid, Denbighshire.

— At Llangattock church, Brecon, the Rev. Thomas Johnson Ormerod, M.A., eldest son of George Ormerod, esq., of Tildexley, Lancashire, and Sedbury Park, Gloucestershire, to Maria Susan, eldest daughter of Joseph Bailey, esq., M.P., of Glanusk Park, Brecon.

29. In Munich, at the Catholic chapel, and afterwards at the house of the British charge d'affaires, Cajetun Frederick, Baron de Toutphones, chamberlain to his Majesty the king of Bavaria,

— At Evercreech, Somerset, Major Airey, of the thirty-fourth regiment, eldest son of the late Lieut.-gen. sir George Airey, K.C.H., to Harriette Mary Everard, daughter of the hon. James Talbot, of Evercreech House.

8. At Paris, the viscount du Pin Delagueriviere, chevalier of the order of Malta, nephew of the duke of Reggio, to Emmeline, eldest daughter of Charles Purton Cooper, esq., one of her Majesty's counsel.

10. At St. George's, Hanover-square, Charles Cochrane, esq., son of the late hon. Basil Cochrane, of Portman-sq., to Mrs. Stawell Chudleigh, of Devonshire-place, widow of the late Rev. Stawell Chudleigh.

21. At St. George's, Hanover-square, Capt. Thomas Henry Ponsonby, of the carbineers, to Fanny Mary, second daughter of Major R. L. Dickson, late of the 1st life guards.

22. By special licence, at Nuneham Park, Oxon, the seat of the archbishop of York, Capt. Octavius Vernon Harcourt, son of his grace, to Mrs. Danby, of Swinton Park, Yorkshire.

24. Richard Ford, esq., of Heavtree, Devon, to the hon. Eliza L. Cranstoun, eldest daughter of the late lord Cranstoun.

27. The rev. C. A. Palmer, youngest son of the late sir C. T. Palmer, bart., of Wanlip Hall, Leicestershire, to Elizabeth Julia, youngest daughter of the late J. Finch Simpson, esq., of Launde Abbey, in the same county.

— At Brighton, Edward Stewart, esq., eldest son of the hon. Edward Stewart, to Louisa Ann Herbert, daughter of the late Charles John Herbert, esq., of Muckruss, Killarney.

— At Loose Church, Kent, Henry Shovell Marsham, capt., R.N., third son of the hon. and rev. Jacob Marsham, D.D., to Maria Sophia, eldest daughter of W. Jones, esq., of Ballinamore, co. Leitrim, and Hayle Place, Kent.

— At All Souls', Marylebone, Adam Bromilow, esq., barrister-at-law, to Francis Anne, daughter of vice-admiral sir Ross Donnelly, K.C.B.

## MARRIAGES.

— At Marylebone church, and afterwards at the house of his excellency the baron de Cetto, lieut. F. B. Fierzkowski, to Sealina, eldest daughter of the late Robert Steuart, esq., of Bombay.

esq., M.P., to Elizabeth, daughter of the late — Ryan, esq., of Jubilee Hall, Dublin.

— At Liverpool, Samuel Wilderspin, esq., the originator of infant schools, to Mary, widow of R. Spencer Dowding, esq., of Wick, Worcester.

## MARCH.

1. At Freshfield, Somerset, the earl of Arran, to Elizabeth, daughter of col. Napier, C.B.

— At Wootton, the hon. and rev. W. H. Spencer, fourth son of Lord Churchill, to Elizabeth Rose, second daughter of T. Thornhill, esq., of Woodleys.

2. At Aberystwith, Cardiganshire, Albert Lascelles Jenner, esq., to Henrietta, eldest daughter of sir John Morris, bart., of Swansea, Glamorganshire.

7. At Toronto, Upper Canada, Capt. Frederick Halkett, coldstream regiment of guards, aid-de-camp to sir Francis Head, and eldest son of Lieut.-General sir Hugh Halkett, Hanoverian service, to Elizabeth, eldest daughter of the late colonel Moodie.

9. At Paris, Comte di Ripert Mondar, to Mary, daughter of the late Edward Jerningham, esq., and niece of Lord Stafford.

12. At The Views, Huntingdonshire, the right hon. St. Andrew Beauchamp Lord St. John, of Bletso, to Eleanor, second daughter of vice-admiral sir Richard Hussey Hussey, of Wood Walton, K.C.B., G.C.M.G.

15. At St. Nicholas church, Brighton, William James Maxwell, esq., of Weymouth-street, Portland-place, to Caroline Louisa, eldest daughter of sir David Scott, bart., of Sillwood, Brighton.

22. At Totteridge, William Bradstreet, esq.; of Oaklands, Hants, to Katherine Caroline, youngest daughter of the late Rev. Dr. Garrow, and granddaughter to sir William Garrow.

24. At Chevening, Kent, Capt. Haviside, to Frederica Markham, daughter of the late dean of York.

28. At St. Martin's-in-the-fields, col. Leslie Grove Jones, formerly of the grenadier guards, to Anna Maria, widow of Lieut.-colonel Dashwood, of the horse guards blue, and of Stanford Park Notts.

— At Dublin, John O'Connell, esq., M.P., third son of Daniel O'Connell,

## APRIL.

4. At Weymouth, the rev. George Cæsar Hawkins, vicar of Pinhoe, Devon, second son of sir John Cæsar Hawkins, bart., to Eleanor, eldest daughter of George Villiers Villiers, esq., late of the royal horse guards.

8. In the cathedral church, Kilkenny, John Wynne, esq., of Haslewood, in the county of Sligo, to Lady Ann Butler, second daughter of the Marquess of Ormonde.

— Guildford Onslow, esq., son of the hon. colonel Onslow, of Alresford, Hants, to Rosa Anna, daughter of Gen. Onslow, of Stoughton House, Huntingdonshire.

16. At Chesterton, Cambridgeshire, Capt. sir David Dunn, R.N., K.C.H., to Louisa Henrietta, daughter of the late Gerrard Montagu, esq.

— At Brighton, John Goddard Marshall, esq., only son of John Goddard Marshall, esq., of Elm, Wisbeach, Isle of Ely, Cambridge, to Nancy Adair, daughter of the late David Moncrief, of Redgorton, and Whitewells, Perthshire.

18. At Trinidad, in the Catholic cathedral, by the right rev. the Bishop of Olympus, and in the Protestant church by the Rev. George Cumming, Edward Jackson, esq., barrister-at-law, and acting attorney-general of the island of Trinidad, to Maria Alexandrina, eldest daughter of André Blasini, esq., of the same colony.

19. At his lordship's house in Belgrave-square, the earl of Essex, to Miss Stephens, the vocalist.

20. At Kilberry church, Queen's county, the earl of Clonmel, to the hon. Annette Burgh, eldest daughter of lord Downes.

21. At the British embassy, Paris, Lieutenant-General sir Charles Doyle, to Mrs. Steer.

— At St. George's, Hanover-square, the hon. Bouverie Francis Primrose, second son of the earl of Roseberry, to

## MARRIAGES.

the hon. Frederica Sophia Anson, third surviving daughter of the late Viscount Anson.

23. At Lymm, Cheshire, captain Herbert F. Taylor, 85th light infantry, eldest son of Edward Taylor, esq., formerly of Bifrons, Kent, to Harriott, fourth daughter of the late G. J. Legh, esq., of High Legh.

24. At Diddington, the rev. John Pardoe, eldest son of John Pardoe, esq., of Leyton, Essex, to Frances, third daughter of George Thornhill, esq., M.P. for the county of Huntingdon.

— At St. James's church, the rev. Charles Clarke, eldest son of Sir Charles M. Clarke, bart., of Dunham lodge, Norfolk, to Rosa Mary, eldest daughter of Henry Alexander, esq., of Cork-street.

25. At St. George's, Hanover-square, the right hon. Viscount Galway, to Henrietta Eliza, only daughter of R. P. Milnes, esq., of Fryston Hall, York.

26. At Broadwater church, Worthing, Richard Edward Cumberland, esq., to Adela Magdalen, only surviving daughter of the late Rev. Henry Garioch Vernon.

— At Brading church, Isle of Wight, Colonel Noel Harris, to the countess dowager of Huntingdon.

## MAY.

1. At Fulham, Septimus Slade, esq., to Hannah, youngest daughter of the late right rev. Robert Stanser, D.D., formerly lord bishop of Nova Scotia.

— At All Souls' church, Marylebone, Francis Scawen Blunt, esq., of Crabbett, Sussex, to Mary, only daughter of the late rev. John Chandler, rector of Witley, Surrey.

2. At Mortlake church, Surry, the rev. Horace Gore Currie, to the hon. Charlotte Addington, third daughter of Lord Viscount Sidmouth.

3. At Trinity church, Marylebone, the rev. Francis Hodgson, archdeacon of Derby, to Elizabeth, second daughter of Lord Denman.

— Captain James Arthur Murray, R.N., son of the late lord William Murray, to Julia, youngest daughter of the late John Delmé, esq., of Cam's Hall.

— At the British embassy, Brussels, Thomas Rothwell, esq., of Black Castle, county Meath, to Frances Sidney, third

daughter of the late hon. and rev. Arthur Vesey, of Knapton, Queen's County.

15. At the British embassy at Florence, the rev. John James, rector of Rawmarsh, York, to Theodosia Mary, third daughter of the late William Tennant, esq., and niece to the earl of Yarborough.

— At Longworth church, Berkshire, Robert Charles Nicoll, esq., of the Middle Temple, barrister-at-law, to Sarah Jane, eldest daughter of the rev. Nathaniel Poyntz, of Longworth rectory.

— At North Mimms church, the hon. Edmund Phipps, brother to his excellency the earl of Mulgrave, to the hon. Mrs. Charles Norton, eldest daughter of his excellency, sir Colin Campbell, K.C.B., governor of Nova Scotia.

21. At Hove, near Brighton, Capt. William Fanshawe Martin, R.N., eldest son of Admiral sir Byam Martin, to Sophia, second daughter of Richard Hurt, esq., of Wirksworth, Derbyshire.

— At St. George's, Hanover-square, Henry William Beauclerk, esq., only son of John Beauclerk, esq., of Eaton-place, Belgrave-square, to Lady Catherine Frances Ashburnham, daughter of the late and sister of the present earl of Ashburnham.

24. At St. Pancras New Church, the rev. Henry John Rose, B.D., rector of Houghton Conquest, Bedfordshire, (late Fellow of St. John's College, Cambridge,) to S. Caroline, eldest daughter of Thomas Burgon, esq., of Brunswick-square.

25. At St. Mary's, Marylebone, the rev. Henry Arthur Woodgate, B.D., Fellow of St. John's College, Oxford, and rector of Bellbroughton, Worcestershire, to Maria, youngest daughter of Edward Chapman Bradford, esq., of York-street, Portman-square, one of the Elder Brethren of the Trinity House.

29. At St. George's, Hanover-square, major-general sir Thomas Hawker, K.C.H., to Mary, widow of Capt. the hon. Frederick Noel, R.N.

30. At Benacre, the rev. Philip Scholfield, to Georgiana Anne, youngest daughter of sir Thomas Gooch, bart.

31. At All Saints, Southampton, John Wynne, esq., royal horse artillery, to Ann, third daughter of rear-admiral sir Samuel Warren, C.B., K.C.H.



## MARRIAGES.

## JUNE.

2. At Bridgewater, the rev. Horatio Westmacott, rector of Chastleton, Oxfordshire, third son of sir Richard Westmacott, to Penelope Spencer Ruscombe, fourth daughter of Joseph Ruscombe Poole, esq., of Bridgewater.

6. At Edmonton, Claude Wilde, esq., eldest son of Mr. Sergeant Wilde, M.P., to Lucy, youngest daughter of the late Robert Ray, esq., of Montague-place, and the Grove, Edmonton.

12. At St. David's church, Hobart Town, Van Diemen's Land, John Price, esq., J. P., third son of the late sir Rose Price, bart., of Trengwaiton, Cornwall, to Mary, eldest daughter of the late Major Franklin, of the 1st Bengal cavalry, and niece of his excellency the lieutenant-governor.

18. At St. Mary's, Bryanston-square, Charles Wykeham Martin, esq., eldest son of Fiennes Wykeham Martin, esq., of Leeds Castle, Kent, to Matilda, second daughter of the late sir John Trollope, bart., of Casewick, Lincolnshire.

19. At St. Margaret's, Westminster, Thomas Duffield, esq., of Marcham Park, Berks, M.P. for Abingdon, to Augusta Elizabeth, second daughter of of lieutenant-colonel Rushbrooke, of Rushbrooke Park, near Bury St. Edmund's, M.P. for West Suffolk.

— At the Catholic chapel, Chelsea, the right hon. Henry Benedict Lord Arundell, baron Arundell, of Wardour Castle, Wilts, to the hon. Teresa, daughter of the right hon. William lord Stourton, baron Stourton, of Stourton, Wilts.

22. At St. George's, Hanover-square, major Johnstone, of the 42 royal highlanders, to Frances Eleanor, youngest daughter of the late and sister of the present sir Francis Hopkins, bart., of Rochford, county of Meath.

23. At St. Mary's church, Marylebone, Sir Dudley St. Leger Hill, K.C.B., K.T.S., and commander St. Bento d'Avis, governor of St. Lucia, to Mary, widow of the late Mark Davis, esq., of Turnwood, and of Holnest, in the county of Dorset.

25. Charles Alexander Wood, esq., second son of colonel Wood, of Lyttleton, M.P., to Sophia, eldest daughter of J. Studholme Brownrigg, esq., M.P.

— At Loudoun Castle, N.B., captain Henry, 56th regiment, son of John Jo-

seph Henry, esq., to the lady Selina Constance Hastings, third daughter of Francis late Marquess of Hastings.

27. At Moray-place, William Empson, esq., of Lincoln's-inn, to Charlotte Wilkes, daughter of the hon. F. Jeffrey, one of the senators of the College of Justice in Scotland.

30. At St. George's, Hanover-square, captain sir Edward William Corry Astley, R.N., to Ellen, eldest daughter of the late James Toby, esq., of Parliament-street, and of Richmond.

— At Bruff, county Limerick, John de Montmorency, esq., eldest son of Harvey de Montmorency, of Castle Morris, Kilkenny, esq., to the hon. Henrietta O'Grady, daughter of viscount Guillamore.

— The rev. Dr. Wynter, president of St. John's, Oxford, to Miss Taylot, daughter of the rev. M. D. Taylor, rector of Moreton Corbett, Salop.

## JULY.

2. At Paris, at the British Embassy, the hon. John St. Vincent Saumarez, of the rifle brigade, to Caroline, eldest daughter of William Rhodes, esq., of Bramhope Hall and Kirskill, York.

3. At Hampstead, Henry R. Upcher, esq., of Sheringham, Norfolk, to Caroline, only daughter of the late J. Morris, esq., of Ampthill House, Bedfordshire.

— The rev. W. H. Mann, vicar of Bowden, Cheshire, to Frances, third daughter of the hon. and rev. L. Powys, rector of Titchmarsh, Northamptonshire.

5. At All Saints' Church, Southampton, John Dennistoun, esq., M.P., to Frances Anne, youngest daughter of sir Henry Onslow, bart.

— At Castlebellingham, Charles, son of G. Thornhill, esq., M.P., of Diddington, Hunts., to Margaret, daughter of John Woolsey, esq., Milesdown, Louth.

— At the residence of the British Minister at Florence, sir William W. Knighton, bart., to Clementine, daughter of James Jameson, esq., of Drummond-place, Edinburgh.

— In London, John Dennistoun, esq., M.P. for Glasgow, to Fanny Onslow, daughter, of sir Henry Onslow, bart.

17. John Gibbons, esq., eldest son of sir John Gibbons, bart., of Stanwell-place, Middlesex, to Susannah, eldest daughter of the rev. A. Cotton, of Girton, Cambridgeshire.

## MARRIAGES.

— At Cortachy Castle, James Rait, esq., of Annistoun, to lady Clementina Drummond Ogilvy, second daughter of the right hon. the Earl of Airlie.

19. At Margate, lieut. Henry Harvey, R.N., second son of Vice-admiral sir Thomas Harvey, K.C.B., to Jane, daughter of Dr. Denison, late of London.

24. At St. George's Hanover-square, the right hon. Frederick John William earl of Cavan, to the hon. Caroline Litton, daughter of lord Hatherton.

— At St. Mary's, Bryanston-square, John Barneby, esq., M.P., of Brockhampton, Hereford, to Susan, eldest daughter of Henry Elwes, esq., of Collesborne, Gloucester.

26. At St. Margaret's, Westminster, William Hamilton esq., to the hon. Miss Dillon, one of the maids of honour to her Majesty.

31. At Mickleton, John Maxwell Steele, esq., eldest son of sir Richard Steele, bart., of Dublin, to Elizabeth Anne Graves, of Mickleton Mannor-house, Gloucester, eldest daughter of the late John Graves, esq. of Mickleton.

## AUGUST.

2. At St. George's Hanover-square, the hon. Alexander Nelson Hood, only son of Viscount Bridport, to lady Mary Penelope Hill, second daughter of the Marquess of Downshire.

— At The Mote, the seat of the Earl of Romney, Captain E. Fletcher, of the 1st., Life-guards, Aide-de-camp to the General Commanding-in-chief, eldest son of Edward Fletcher, esq., of Corsock, Galloway, N.B., to the lady Francis Marsham, second daughter of the earl of Romney.

6. At St. George's Chapel, Edinburgh, the right hon. Lord Elibank, to Emily Maria Montgomery, only daughter of Mr. A. Montgomery of Whim.

— In the Chapel of Lambeth-palace, the rev. George Bridges Moore, eldest son of the rev. George Moore, of Wrotham, Kent, to Miss Boscawen, niece to the earl of Falmouth.

8. At St. James's Church, the lord Thomas Cecil, only brother to the marquess of Exeter, K.G., to the lady Sophia Georgiana Lennox, youngest sister to his grace the duke of Richmond, K.G.

9. At All Soul's Church, Marylebone,

the hon. Charles Ponsonby, M.P. son of lord De Mauley, to the hon. Miss Ponsonby, fourth daughter of viscount Duncannon.

— At St. Margaret's Westminster, William Smythe, esq., son of the late David Smythe, esq., of Methven, one of the lords of session in Scotland, to Margaret, eldest daughter of James Walker, esq., of Great George-street, Westminster.

13. At Leamington, William Tolle-mache, esq., to lady Anna Maria Jane St. Maur, third daughter of the duke of Somerset.

17. At Malling, Sussex, general sir Fitzroy Grafton Maclean, of Maclean, bart., to Frances, widow of the late Henry Camplon, esq., of Malling Deanery, Sussex.

18. At Thorpe, near Norwich, the rev. Henry C. Long, rector of Newton and Swamsthorpe, Norfolk, to Charlotte Emma, second daughter of colonel sir Robert Harvey, C.B., and K.T.S., of Mousehold-house, near Norwich.

— At Minto-house, Ralph Abercromby, esq., her Majesty's minister at Florence, to lady Mary Elliott, eldest daughter of the earl of Minto.

— At St. George's, Hanover-square, William Augustus, youngest son of sir Thomas Neave, of Dagnam-park, Essex, bart., to Ann Elizabeth, elder daughter and coheirress of the late Alexander Black, esq.

28. At Bedford, Samuel Martin, esq., of the Middle-temple, barrister-at-law, to Fanny, eldest daughter of sir F. Pollock, M.P.

## SEPTEMBER.

4. At Edinburgh, James Joseph Hamilton Lawson, esq., to Marion Anne Eliza, daughter of the late lieutenant colonel David Rattray, of the 63rd. regiment of foot, and granddaughter of the late general Hamilton Dalzell.

10. At Dalmahoy, viscount Milton, eldest son of earl Fitzwilliam, to lady Frances Douglas, eldest daughter of the earl of Morton.

— At Bedworth, Warwickshire, Reginald S. Graham, eldest son of Reginald Graham, esq., of Etterby, Cumberland, to Dora Ennis, eldest daughter of the rev. H. Bellairs.

20. At the British embassy, at Stuttgart, captain Randal Ramsey, of the

## MARRIAGES.

60th royal rifles, to Caroline Mary Berkeley, daughter of major-general sir George Berkeley.

24. At New York. the Chevalier Calderon, de la Barca, minister from the court of Madrid at Washington, to Francis Erskine, third daughter of the late William Inglis esq., writer to the signet.

## OCTOBER.

2. At St. George's, Hanover-square, the right hon. viscount Combermere, to Miss Gibbings, only daughter of Robert Gibbings, esq., of Gibbings-grove, in the county of Cork.

3. At St. George's Hanover-square, George Caswal Newman, esq., only son of Charles Newman, esq., of Scripps, Coggeshall, to Wilhelmina, youngest daughter of sir Henry Montague.

4. At St. George's, Hanover-square, the hon. and rev. James Norton, to Isabella, only child of Thomas Lowndes, esq., of Barrington-hall, Essex.

10. In the Chapel in Wentworth-house, James J. R. Mackenzie, esq., only son of sir James W. Mackenzie, bart., of Scatwell, to lady Anne, Wentworth Fitzwilliam, fourth daughter of earl Fitzwilliam.

11. At Stuttgard, at the residence of the British minister, Comte Sayn Wittgenstein Sayn, only son of the countesse casimir de Mechberg, to Salisbury Harriet, daughter of sir G. Pigott, bart., of Knapton, in the Queen's county, and Inishannon, in the county Cork.

16. At Spanish-place Chapel, Manchester-square, the hon. William Stourton, second son of lord Stourton, of Alerton-park, Yorkshire, to Catherine Alicia, eldest daughter of Edmund Scully, esq., of Bloomfield-house Tipperary.

20. At Thorndon-hall, Mary eldest daughter of lord Petre, to James Alexander Douglas, of Gray's-inn, and Ealing, Middlesex, esq.

25. At Widley-church, Hants, lieut. Wisemen. eldest son of sir William Saltonstall Wiseman, bart., of Mary Port Lodge, Middlesex, captain R.N. to Charlotte Jane, only daughter of admiral Paterson, of East Cosham-house Hants.

— At Paris, at the British abassador's, lieutenant-colonel Le Comte

Victor de Jocqueville, Chateau Guernes, in Normandy, to Margaret, youngest daughter of the late colonel Beare, of Coppstown, Cork.

## NOVEMBER.

5. At Hillingden Church, captain George Campbell, Grenadier-guards, son of general sir Henry Campbell, to Louisa, third daughter of Richard H. Cox, esq.

6. At Springkell, Hugh D. Elphinstone Dalrymple, third son of sir Robert D. H. Elphinstone, bart., of Logie Elphinstone, to Helen Catherine, youngest daughter of the late lieutenant-general sir John Heron Maxwell, bart., of Springkell.

11. At Cheltenham, Charles Talbot, esq., captain in the royal navy, son of the late dean of Salisbury, to Charlotte Georgiana, widow of lieutenant-colonel Stapleton, daughter of the late major-general the hon. sir William Ponsonby, K.C.B.

15. At Heriot-row, Edinburgh, the right hon. the earl of Airlie to Margaret only child of the deceased William Bruce, esq., of Cowden.

18. At the Catholic-chapel Borton, William Gerard Walmsley, esq., of Westwood-house, Lancashire, to Caroline, fourth daughter of Thomas Joseph Trappond, Esq., of Trappond-park, in the same county.

21. At Vienna, Edward, baron Stillfried, to Mary, second daughter of the late Ernest Count Leslie of Balquhain, in Scotland.

22. At St. George's, Bloomsbury, the rev. Francis Smith, rector of Rawston, fourth son of sir John Wyldbore Smith, bart., of the Down-house, in that county, to Mary Isabella, only daughter of the late captain Bogue, of the royal horse artillery.

23. At Harrington-hall, Robert Duncombe Shafto, esq., eldest son of Robert Eden Duncombe Shafto, esq., of Whitworth-park, Durham, to Charlotte Rosa, youngest daughter of the late William Baring, esq., of Lulworth-castle.

27. At St. George's, Hanover-square, sir Charles Wetherell to Harriet Elizabeth, second daughter of the late lieutenant-colonel Warneford, of Warneford-place, Wilts.

— At St. George's Church, Hanover-

## MARRIAGES.

square, W. Brodie, esq., of Brodie, Nairn, to Elizabeth, third daughter of colonel Hugh Baillie, M.P.

— At Ross, sir Edmund Head, bart., to Anna Maria, daughter of the late rev. Philip Yorke.

28. At Colwick, near Shugborough, Staffordshire, Edward King Tenison, esq., of Castle Tenison, county Ross-common, son of the late colonel Tenison, to lady Louisa Anson, eldest daughter of the earl of Lichfield.

29. At Beeston, Norfolk, the rev. Edward Eyre, of Merton College, Oxford, to Octavia Thomasine daughter, of the late sir Thomas Preston, bart.

## DECEMBER.

5. At Llangrislolus-church, Anglesey, the rev. Rice Robert Hughes, rector of Newborough, Anglesey, second son of the late sir William Bulkely Hughes, of Plascoet, to Charlotte, second daughter of the late very rev. John Warren, dean of Bangor.

— At Trinity-church, Marylebone, Mr. Sergeant Merewether, of Whitehall-place, and Castlefield, Wilts, to Celia Maria, eldest daughter of P.D. Hadow, of Upper Harley-street.

— At Twickenham, George Jelf, esq., eldest son of sir James Jelf, of Oaklands, Gloucester, to Mary Emily, only surviving child of the late Ralph Sneyd, esq., of Abbots Bromley, Stafford.

8. At Bridekirk, Cumberland, lord Teignmouth, M.P., to Caroline, third daughter of William Browne, esq., of Tallantire-hall, in that county.

— At Dublin, the hon. and rev. Francis Clements, youngest son of the earl of Leitrim, to Miss King, the daughter of the rev. Gilbert King.

13. In the Parish-church of High Melton, James England, esq., lieutenant-colonel of the 4th regiment of foot, to Mary, third daughter of Richard Fountainne Wilson, esq., of High Melton, near Doncaster, Yorkshire.

15. At Clifton-hall, Suffolk, Thomas Nugent Vaughan, esq., to the right hon. Frances Mary Forbes, widow of major-general the lord viscount Forbes, and only child of the late William Territt, esq., LL.D., of Chilton-hall.

17. At Kingston-church, Portsmouth, and at the Roman Catholic chapel,

Mons. Edmond Jeannin, to Louisa Ann Murray, daughter of the late lord Cringletie.

18. At St. Marylebone, and afterwards according to the ceremonies of the Greek Church, count Giovanni Salomos, of the island of Zante, to Eliza, Dorothea, eldest daughter of sir George Tuite, bart., of Wyndham-place.

27. At St. George's church, Hanover-square, the rev. Sidney Henry Widdrington, M.A., eldest son of general sir Latimer Widdrington, K.C.B., to Harriette daughter of the late S. Holman esq.

29. By special licence at St. George's Hanover-square, the hon. Randal Edward Plunket, eldest son of the right hon. lord Dunsany, of Dunsany-castle, and lord-lieutenant of the county of Meath, in Ireland, to Elizabeth Evelyn, daughter of Lyndon Evelyn, esq., of Kinsham, Hereford.

## PROMOTIONS.

1838.

### JANUARY.

#### GAZETTE PROMOTIONS.

16. The earl of Durham, G.C.B., to be governor-general, vice-admiral, and captain-general of all her majesty's provinces within and adjacent to the Continent of North America; and to be her majesty's high commissioner for the adjustment of certain important affairs affecting the provinces of Lower and Upper Canada.

29. Lieutenant-general sir John Colborne, K.C.B., to be G.C.B.

30. Andrew Henry Lynch, esq., to be one of the masters in chancery.

#### ECCLESIASTICAL PREFERMENTS.

Rev. J. Johnson, to be chancellor of Ross Cathedral.

#### CIVIL PREFERMENTS.

Thomas Paynter, esq., (now recorder

## PROMOTIONS.

of Falmouth and Helstone) to be recorder of Penzance, vice Mr. Coulson.

Sir David Brewster, to be principal of the College of St. Salvador and St. Leonard, in the University of St. Andrew's.

## FEBRUARY.

## GAZETTE PROMOTIONS.

6. Sir Andrew Leith Hay, knt. to be governor of the Bermudas.

13. Colonel de Lacy Evans, lieutenant-general, in service of Queen of Spain, to be K.C.B.

15. Lieutenant-general sir Thomas Bradford, K.C.B., to be G.C.B.—major-general lord Burghersh, G.B. to be K.C.B.

23. Charles Lionel Fitzgerald, esq., to be consul in the Balearic Islands.

26. Howel Gwyn, of Alltwen, esq., to be sheriff of Glamorganshire, vice Vaughan.

## MEMBERS RETURNED TO PARLIAMENT.

*Bridgnorth*.—Robert Pigot, esq.

*Elgin Burghs*.—Hon. Fox Maule.

*Galway*.—Andrew Henry Lynch, esq.

*Pembroke*.—Sir James Graham, bart.

*Petersfield*.—Cornthwaite John Hector, esq., declared duly elected, vice sir W. Jolliffe.

*Tynemouth*.—Sir Charles Edward Grey, knt., duly elected, vice Young.

Lord Clonbrock is elected a representative peer for Ireland.

## ECCLESIASTICAL PREFERMENTS.

Rev. F. Jeune, to be dean of Jersey.

## CIVIL PREFERMENTS.

The earl of Devon to be high steward of the University of Oxford.

The marquess of Lansdowne to be president of the literary fund society.

Henry W. Seton, esq., to be a judge of the supreme court, at Calcutta.

Mr. Sergeant Adams, (chairman of the Middlesex sessions) to be chairman also of the Westminster sessions.

R. L. Shell, esq., to be a commissioner of Greenwich Hospital.

J. R. M'Culloch, esq., to be comptroller of her majesty's Stationery-office.

## MARCH.

## GAZETTE PROMOTIONS.

9. John Green, esq., to be consul for Continental Greece and the island of Negropont.

13. Captain sir John Gordon Sinclair, bart., R.N., to be captain of the port of Gibraltar.—John Turnbull, esq., to be secretary of the island of Trinidad.—Thornton Warner, esq., to be Escribano of the courts of justice in the same island.

21. John Longly, esq., to be treasurer of Trinidad.

22. Edward M'Dowell, esq., to be attorney-general of Van Dieman's Land.

23. Herbert C. Jones, esq., to be solicitor-general of Van Dieman's Land.

## MEMBERS RETURNED TO PARLIAMENT.

*Belfast*.—J. E. Tennent, esq., and George Dunbar, esq., declared duly elected vice Gibson and earl of Belfast.

*Devizes*.—Captain J. W. D. Dundas, re-elected.

*Evesham*.—Lord Marcus Hill declared duly elected, vice Borthwick.

*Kent (West)*.—Sir Edmund Filmer, bart.

*Maytbone*.—Lord Teignmouth.

*Portsmouth*.—Sir George T. Staunton bart.

*Rutland*.—Hon. William Middleton Noel.

*Sudbury*.—Sir John Walsh, bart.

*Tipperary Co.*—R. L. Shell, esq. re-elected.

*Trakee*.—Maurice O'Connell, esq., duly elected vice Bateman.

12. George Browne Mottyn, esq., of Kiddington, took his seat by writ as baron Vaux of Harrowden (1523), her majesty having terminated in his favour

## PROMOTIONS.

as the elder coheir, the abeyance which has existed from 1662.

expedient to make any and what changes in the present system.

## ECCLESIASTICAL PREFERMENTS.

Rev. J. H. Cotton, to be dean of Bangor.

## CIVIL PREFERMENTS.

Lord Brougham to be rector of Marischal college, Aberdeen.

## APRIL.

## GAZETTE PROMOTIONS.

17. Hon. J. D. Bligh to be envoy extraordinary and minister plenipotentiary to the king of Hanover; sir T. Cartwright, G.C.H., to be envoy extraordinary and minister plenipotentiary to the king of Sweden; hon. H. E. Fox, to be minister plenipotentiary to the Germanic confederation.

20. Lieut.-general sir F. P. Robinson K.C.B., to be G.C.B.—Major-general lord Charles Manners, and major-general sir James Macdonell to be K.C.B.

24. Sir E. S. Baynes, K.C.M.G., to be consul at St. Petersburg.—T. de G. Fonblanque, esq., K.H. to be consul at Philadelphia.

25. Henry Loving esq., to be secretary and clerk of the council and of the crown, in the island of Montserrat—John Shaw Stewart, esq., to be sheriff depute of the shire of Stirling—Robert Hunter esq. to be sheriff depute of the island of Bute.

27. Edward Power, esq., to be her majesty's Advocate in the colony of Sierra Leone.

30. The duke of Wellington, the duke of Richmond, the earl of Minto, viscount Melville, lord Howick, lord Hill, the right hon. H. Labouchere, sir C. Adam, sir J. Kempt, sir T. M. Hardy, sir G. Cockburn, sir R. H. Vivian, sir A. J. Dickson, sir H. Hardinge, and sir Richard Williams, K.C.B. to be her majesty's commissioners for inquiring into the several modes of promotion and retirement now authorised and granted to the officers of her majesty's naval or military forces; for ascertaining the comparative situation of the officers in each branch; and for reporting whether, due regard being had to economy and to the efficiency of the service; it may be practicable and

## MEMBERS RETURNED TO PARLIAMENT.

*Haddingtonshire.*—Sir T. B. Hepburn, bart.

*Kinsale.*—Colonel Henry Thomas declared duly elected, *vice* Mahony.

*Maidstone.*—John Minet Feetor, esq.

*Shaftesbury.*—G. B. Mathew, esq., declared duly elected, *vice* Poulter.

The earl of Charleville elected a representative peer of Ireland.

## MAY.

## GAZETTE PROMOTIONS.

10. Major John Longly to be lieutenant-governor of the island of Dominica.

19. Charles Rogers Nesbitt, esq. to be secretary and registrar, and clerk of the council, of the Bahama islands.

21. Lieut.-colonel George Gawler, the governor and commander-in-chief of the province) to be resident commissioner of public lands in South Australia.

## MEMBERS RETURNED TO PARLIAMENT.

*Bedford.*—Samuel Crawley, esq., declared duly elected, *vice* Stuart.

*Devizes.*—G. H. W. Heneage, esq.

*Gloucester.*—H. T. Hope, esq., re-elected.

*Hull.*—William Hutt, esq., declared duly elected *vice* Wilberforce.

*Norwich.*—Benj. Smith, esq., declared duly elected, *vice* Scarlett.

*Stamford.*—Sir George Clerk.

*St Ives.*—Wm. Tyringham Praed, esq.

*Suffolk (West.)*—H. S. Waddington, esq.

*Woodstock.*—The Marquess of Blandford.

## CIVIL PREFERMENTS.

Rev. W. Hodgson, B.D., to be master of St. Peter's College, Cambridge.

Rev. G. E. Cortie to be Norrisian professor of Divinity, Cambridge.



## PROMOTIONS.

## JUNE.

## GAZETTE PROMOTIONS.

13. Colonel the hon. John Maitland, and lieutenant-colonel G. A. Wetherall, to be companions of the order of the Bath.

28. Peers of the United Kingdom created on the coronation:—Constantine-Henry, earl of Mulgrave to be marquess of Normanby, co. York; William Baron King, to be viscount Ockham, of Ockham, co. Surrey, and earl of Lovelace; Laurence, Baron Dundas to be earl of Zetland; Anthony Adrian, earl of Kintore to be baron Kintore; Cornelius, Viscount Lismore, to be baron Lismore, of Shanbally-castle, co. Tipperary; Warner William, Baron Rossmore, to be baron Rossmore of the county of Monaghan; Robert Shapland Baron Carew to be Baron Carew, of Castleborough, co. Wexford; the hon. William Francis Spencer Ponsonby, to be baron de Mauley, of Canford, co. Dorset; sir John Wrottesley, bart. to be baron Wrottesly, of Wrottesly, co. Stafford; Charles Hanbury Tracey, esq. to be baron Sudeley, of Toddington, co. Gloucester; and Paul Methuen, esq., to be baron Methuen, of Corsham, co. Wilts.—The marquess of Carmarthen summoned as baron Osborne, of Kiveton, co. York.

Advanced to the dignity of a Baronet of the United Kingdom,—the right hon. Michael O'Loghlen, master of the rolls in Ireland; sir John Frederick William Herschell, knt.; Edward George Earle Lytton Bulwer, of Knebworth, Herts, esq.; lieut.-gen. sir Lionel Smith, K.C.B.; Peter Hesketh Fleetwood, of Rossall-hall, co. Lancashire, esq.; Samuel Crompton, of Wood End, co. York, esq.; John Edwards of Garth, co. Montgomery, esq.; John Peter Boileau, of Tacolnestone-hall, Norfolk, esq.; George M'Pherson Grant, of Ballindalloch, co. Elgin, and Invereshie, co. Inverness, esq.; Ralph Howard, of Bushypark, co. Wicklow, esq.; Sotherton Branthwayt Peckham Micklethwait, of Iridge-place, Sussex, esq.; John Dunlop, of Dunlop, co. Ayr, esq.; Charles Peter Shakerley, of Somerford-park, Cheshire, esq., John Henry Seale, of Mount Boone, co. Devon, esq.; Edward Marwood Elton, of Widworthy-court, co. Devon, esq.; Robert Shafto Adair,

of Flixton-hall Suffolk, esq.; William Foster, of Norwich, esq.; sir Augustus W. J. Clifford, knt. captain R.N. and C.B.; Charles Denham Orlando Jephson, of Mallow, co. Cork, esq.; the right hon. James Forrest, of Comiston, co. of Mid Lothian, Lord Provost of Edinburgh; David Roche, of Carass, co. Limerick, and Barnetick, co. Clare, esq.; Benj. Heywood, of Claremont, co. Lanc. esq.; Wm. Worsley, of Hovingham, co. York, esq.; Charles Granville Stuart Menteath, of Closeburn, co. Dumfries, esq.; major-gen. James Kyrle Money, of Homhouse, co. Hereford, Whetham, co. Wilts, and Pitsford, co. Northampton, esq.; Josiah John Guest, of Dowlais, co. Glamorgan, esq.; Michael Dillon Bellew, of Mount Bellew, co. Galway, esq.; Benjamin Hall, of Llanover-court, co. Monmouth, esq.; East George Clayton East, of Hall-place, co. Berks, esq.; Sir James Crofton, of Longford-house, co. of Sligo, knt.

## MEMBERS RETURNED TO PARLIAMENT.

*Dungannon*.—Hon. Thomas Knox.

*Inverness co.*—F. W. Grant, of Grant, esq.

*Linlithgow co.*—Hon. Charles Hope.

*Maidstone*.—John Minet Fector, esq. re-elected.

## ECCLESIASTICAL PREFERMENTS.

Rev. H. Huntingford to be a Canon of Hereford.

## CIVIL PREFERMENTS.

Hay, Cameron, esq., to be fourth ordinary member of the council of India.

## JULY.

## GAZETTE PROMOTIONS.

5. Earl Bruce summoned to the House of Peers as baron Bruce, of Tottenham, Wilts.

10. Patrick Francis Gahan, esq., to be assistant judge of the Bahama Islands.—James Laidlaw, esq. to be secretary, registrar, and clerk of the council, and clerk of the enrolments in Dominica.

13. Edward Hay Drummond Hay, esq. to be treasurer of Trinidad.

## PROMOTIONS.

16. The reigning Duke of Saxe-Cobourg and Gotha, elected K.G.

19. To be extra *Knights Grand Cross* of the Bath:—Admiral sir William Sidney Smith, K.C.B.; Lt.-gen. sir John Lambert, K.C.B.; Lt.-gen. the hon. sir Robert W. O'Callaghan, K.C.B.; Archibald earl of Gosford; lord Geo. William Russell, envoy extraordinary to the king of Prussia; lord Howard de Walden, envoy extraordinary to her most faithful majesty.—To be *Knights Commanders*:—Admiral John Lawford; major-generals Andrew Pilkington, C.B., John Gardiner, C.B., sir Arthur Benj. Clifton, C.B., lord Greenock, C.B., sir Willoughby Cotton, C.B., sir John George Woodford, C.B., sir Patrick Lindesay, C.B., Charles James Napier, C.B., sir Evan John Murray Mac Gregor, bart., C.B., Edward Gibbs, C.B., Geo. Thomas Napier, C.B., the hon. Hercules R. Pakenham, C.B., sir John T. Jones, bart., C.B., sir John Harvey, C.B., sir Leonard Greenwell, C.B., sir Robert Henry Dick, C.B., sir Neil Douglas, C.B., rear-admiral sir John A. Ommaney, C.B., major-generals Alex. Cameron, C.B., and John Fox Burgoyne, C.B.—To be *Companions* of the said most honourable military order:—Captains sir E. T. Troubridge, bart., C. F. Daly, E. P. Brenton, Richard Arthur, J. A. Worth, R. W. G. Festing, Barrington Reynolds, Robert Maunsell, all of the royal navy; Colonels William Wood, William Warre, G. C. D'Aguilar, Henry Sullivan, S. A. Goodman, Edward Wynyard, George Brown, C. E. Conyers, James Allan, David Forbes, H. A. Proctor, Edward Parkinson, T. F. Wade, Richard Egerton, William Chalmers, C. H. Churchill, James Grant, T. W. Taylor, Felix Calvert, J. M. Wilson, Thomas Willshire, Henry Oglan-der, Edward Fleming, Philip Bain-bridge, Sempronius Stretton, T. E. Napier, Nath. Thorn, W. H. Sewell, Joseph Thackwell, Alexander Macdonald, sir W. L. Herries, T. S. St. Clair, G. W. Paty, T. J. Wemyss, R. B. Gabriel, William Rowan, J. S. Kennedy, G. L. Goldie, George Couper, Henry Rainey, the hon. Charles Gore, G. G. Lewis, and G. J. Harding; lieutenant-colonels John Gurwood, W. F. O'Reilly, A. K. Clark, E. T. Michell, Thomas Blanchard, Thomas Dyneley, William Reid, W. B. Dundas, J. N. Wells, William Brereton, John Owen, and C. C. Dansey.

20. Major-generals sir Alexander Caldwell, of the Bengal army, K.C.B., Major-general sir J. L. Lushington, of the Madras army, K.C.B., and Richard Jenkins, esq., of the East India Company's civil service, to be Extra Knights Grand Cross of the Bath; and the following officers (all previously C.B.) in the service of the East India Company, to be *Knights Commanders*—Major-generals John Rose, Thomas Corsellis, William Richards, Thomas Whitehead, John Doveton, David Foulis, and sir Thomas Anburey, knt. To be *Companions* of the Bath:—Colonels William Turner, William Hull, sir James Limond, knt.; William Sandwith, J. F. Salter, H. G. A. Taylor, Herbert Bowen, F. S. T. Johnstone, sir R. H. Cunliffe, bart., P. De la Motte, Edward Frederick, James Kennedy, sir Jeremiah Bryant, knt., E. F. Waters, W. S. Whish, William Battine, Arch. Galloway, Lechmere Russell, and Robert Home; lieut.-colonels J. H. Frith, Henry Cock, Charles Herbert, John Morgan, Josiah Stewart, William Williamson, Henry Hall, John Cheape, John Lowe, John Colvin, Alex. Tulloch, S. W. Steel, Joseph Orchard, Charles Graham; Majors John Herring, sir Edw. A. Campbell, P. Montgomerie, W. J. Butterworth, John Purton, John Cameron, Thomas Luinsden, and Thomas Timbrell.

23. Sir William Woods, K.H., to be Garter Principal King of Arms; Edmund Lodge, Esq., K.H., to be Clarenceux King of Arms; Joseph Hawker, esq., to be Norroy King of Arms; Jas. Pulman, esq., to be Richmond Herald; Albert William Woods, esq., to be Portcullis Pursuivant.

24. Major-General sir Alex. Dickson, K.C.B., to be G.C.B.

## MEMBERS RETURNED TO PARLIAMENT.

*Cashel*.—Joseph Stock, esq., LL.D., vice Steph. Woulfe, now chief baron in Ireland.

*Clonmell*.—Right. hon. Nicholas Ball (now attorney-general for Ireland), re-elected.

## ECCLESIASTICAL PREFERMENTS.

Rev. James Bowstead, D.D., to be Bishop of Sodor and Man.

PROMOTIONS.

CIVIL PREFERMENTS.

Alderman Thomas Wood and James White, to be sheriffs of London and Middlesex.

the more effectual relief of the destitute poor in Ireland, are the same as the English Board.

Major Jarvis, to be surveyor-general of India.

AUGUST.

GAZETTE PROMOTIONS.

3. William Mackie, esq., K.H., to be lieutenant-governor of her Majesty's settlements in the Gambia; John Gewas Hutchinson Bourne, esq., to be chief justice of Newfoundland.

6. Charles Augustus Mylius, esq., civil commissioner, government agent, and collector of taxes at the Seychelles islands, dependencies of the island of Mauritius.

24. Major-gen. sir E. Gibbs, K.C.B., to be lieutenant-governor of Jersey.

28. The marquess of Clanricarde, K.P., to be ambassador extraordinary and plenipotentiary to the emperor of all the Russias.—P. Fraser, esq., to be sheriff of Van Diemen's Land.

CIVIL PREFERMENTS.

Lord Duncannon, to be lord lieutenant of co. Kilkenny; Hon. John Ponsonby, of co. Carlow.

C. Cooper, esq., to be chief justice in South Australia.

Mr. Nicholls to be commissioner of Poor-Law in Ireland, resident in Dublin (salary 2500*l.*)

Mr. Forster Owen, to be high constable of Westminster.

Mr. Alderman Thomas Johnson, to be one of the new sheriffs of London and Westminster.

Rev. W. Whewell, to be professor of casuistry, at Cambridge.

Rev. Philip Kellard, of Queen's col., Cambridge, to be professor of mathematics in the University of Edinburgh.

J. H. Christie, esq., sec. R.S., to be professor of mathematics in the Royal Military Academy, Woolwich.

SEPTEMBER.

GAZETTE PROMOTIONS.

3. The Poor-Law commissioners empowered to carry into effect the Act for

MEMBER RETURNED TO PARLIAMENT.

*Yarmouth*.—William Wilshire, esq.

CIVIL PREFERMENTS.

Rev. J. L. Richards, to be rector of Exeter College, Oxford.

Rev. J. Heaviside, to be professor of mathematics and natural philosophy at Haileybury College.

OCTOBER.

GAZETTE PROMOTIONS.

24. Anthony Oliphant, esq., to be chief justice of Ceylon.

25. Alexander Earle Monteith, esq., to be sheriff depute of Fifeshire, vice A. Clephane, esq., deceased.

26. Wm. Henry Brehaut, esq., to be clerk of the peace for the district of Montreal, in Lower Canada.

Stephen Lushington, D.C.L., to be Judge of her Majesty's Court of Admiralty.—Lord Maryborough, to the captaincy of Deal Castle (in the gift of his brother, the duke of Wellington, as lord warden of the Cinque Ports).

*Irish Appointments*.—Viscount Duncannon, to be lieutenant of the county and city of Kilkenny, *vice* the Marquess of Ormonde, deceased.—The hon. John George Brabazon Ponsonby, lieutenant of the county of Carlow, *vice* viscount Duncannon.—Colonel Duncan Macgregor, to be inspector-general of the constabulary force. — Lieutenant-colonel S. Holmes, deputy inspector-general. — Henry John Brownrigg, esq., inspector of constabulary for Leinster.

CIVIL PREFERMENTS.

Horace Waddington, esq., to be recorder of Lichfield.

Lord Francis Egerton, to be lord rector of the University of Aberdeen,

## DEATHS.

The Rev. Charles Thorp, D.D., (archdeacon of Durham), to be chancellor of the old diocese of Bristol.

Majesty's provinces within and adjacent to the continent of North America.

## NOVEMBER.

### GAZETTE PROMOTIONS.

1. Lieut-colonel William Reid, C.B. to be governor and commander-in-chief of the Bermudas, or Somers Islands.

5. Major J. Macphail, to be lieutenant-governor of Dominica.

— The right hon. Stephen Lushington, judge of the High Court of Admiralty, was sworn of her Majesty's Privy Council.

24. William St. Julien Arabin, sergeant-at-law, to be advocate-general, or judge marshal of her Majesty's forces.

### MEMBER RETURNED TO PARLIAMENT.

*Chipping Wycombe.*—George Robert Smith, esq.

### ECCLESIASTICAL PREFERMENTS.

Rev. E. V. Lockwood, (late chaplain of the House of Commons,) to be a prebendary of Canterbury; the rev. E. Repton, and the rev. T. Frere (also late chaplains to the House) to be prebendaries of Westminster.

Rev. Michael Keating, to be archdeacon of Ardfert.

### CIVIL PREFERMENTS.

William Wilberforce Bird, esq., to be third member of the council of India.

## DECEMBER.

### GAZETTE PROMOTIONS.

6. Ralph Abercrombie, esq., (now minister to the grand duke of Tuscany), to be minister plenipotentiary to the Germanic Confederation, *vice* the hon. H. E. Fox, who exchanges appointments.

14. Lieut-general sir John Colborne, G.C.B., to be governor-general, vice-admiral, and captain-general of all her

### ECCLESIASTICAL PREFERMENTS.

Rev. A. L. Kirwan, to be dean of Kilmacduagh.

### CIVIL PREFERMENTS.

Sir James R. Carnac, bart., to be governor of Bombay.

John Buckle, esq., to be recorder of Ludlow.

Peregrine Bingham, esq., to be recorder of Portsmouth (retaining the recordership of Southampton).

The right hon. sir James Graham, to be lord rector of the University of Glasgow.

Winthrop M. Praed, esq., to be deputy high steward of the University of Oxford.

G. J. Twiss, esq., to be solicitor to the University of Cambridge.

## DEATHS.

1837.

### JANUARY.

18. Vice-admiral sir Thomas Candler. Some account of this distinguished naval officer appeared in our last. We subjoin, however, the following additional particulars. He was descended from an ancient Irish family, being grandson of the venerable H. Candler, archdeacon of Ossory, and great grandson of Thomas Candler, esq., of Callan Castle, county Kilkenny. Through the wife of this gentleman, (Jane, daughter of sir Henry Tuite, of Sonagh, bart.) he could trace his descent from Joan, the Fair Maid of Kent, grand-daughter of Edward the First. The mother of sir Thomas belonged to the ancient Yorkshire family of Vasavour. At the close of the year 1780, he went out as midshipman with sir Samuel Hood to the West Indies, where he remained to the end of that war, having been pre-

## DEATHS.

sent in eleven engagements. He remained in the English service till the year 1788, when, seeing no appearance of war, and consequently no prospect of promotion, he went to Russia, and entered the imperial service as a volunteer. Here he was soon called into active service, and assisted in all the glorious engagements between the Russians and the Swedes, during the war which terminated so disastrously for the latter power. At its conclusion he again sought promotion in his native country, but being disappointed in his views, he was ultimately induced to devote himself wholly to the service of Russia. He continued, therefore, both as a naval officer and as a diplomatist, to serve the imperial court, and, in the latter capacity, all the negotiations relative to the fleet, between the British and Russian governments, passed through his hands. He distinguished himself at the taking of the Dutch fleet in the Texel, and received from the emperor Paul, the third class of the order of St. Anne, as an acknowledgment of his services in the Mediterranean. Also he subsequently received from the emperor Alexander a gold sword, bearing an honourable inscription. During the war between Russia and England, sir Thomas remained inactive at Moscow; but, in 1812, he again joined the flotilla in the Baltic, which he accompanied to England, where he remained till the peace of 1814, acting in a diplomatic capacity for Russia. Sir Thomas successively obtained the rank of rear and vice-admiral, and the fourth class of the order of St. Volodema. After thirty-five years of active service in the Russian navy, he retired in the year 1833, and spent the last four years of his life at St. Petersburg. Admiral Candler was twice married. By his second wife, Miss Booker, he had four daughters, who, their mother having died at an early age, were left orphans on his demise, but were, under the protection of the empress, placed in the imperial establishment of St. Catherine.

## FEBRUARY.

24. John Bolton, esq. By his industry, integrity, and talents for business, this eminent individual rose, at an early age, to be one of the first merchants in

Liverpool, a station which he maintained and adorned in unbroken prosperity till the day of his death. In 1797, he married Miss Littledale, sister of Mr. Justice Littledale, now one of the judges of the Court of Queen's Bench. At the time when there was a general apprehension of foreign invasion, Mr. Bolton, with patriotic generosity worthy of a true British merchant, raised, clothed, and equipped entirely at his own expense, an infantry corps of 600 volunteers, of which he assumed the command. He was an active and influential supporter of Mr. Canning in his various contests for the representation of Liverpool, and enjoyed the confidence and friendship both of that distinguished statesman, of Mr. Huskisson, and other eminent individuals. Mr. Bolton's liberality and charity are well known. He had indeed a princely and munificent spirit, which made the wealth he had acquired a source of blessing to others, as it may be hoped it was on that account to himself.

## OCTOBER.

28. At Winchmore-hill, suddenly, of apoplexy, Lieut.-general Henry Bruce.

30. Aged 76, Charles Robert Blundell, esq. He was the last heir male of the very ancient family of the Blundells of Ince Blundell, in Lancashire. His habits were eccentric and irregular, and he died unmarried. By his will, dated 28th December, 1834, he entirely disinherited the children of his two sisters, and left his extensive landed estates to the second son of "Edward" Weld, esq., of Lulworth, and his heirs male; with remainders, 1. to the younger brothers of "Edward," in succession, and their heirs in tail male; 2. to Mr. Weld's sister, Lady Stourton and her younger sons; 3. to his other sisters and their sons; 4. to the daughters of "Edward" Weld, and their sons; 5. to Henry Mostyn, of Usk, county Monmouth, solicitor, and his sons, each successively in tail male; on condition of inhabiting and keeping in repair the mansion at Ince, and assuming and using the name of Blundell.

His furniture, &c., including the busts, casts, statues, pictures, coins, and other works of art and curiosities, together with his library, were to be pre-

## DEATHS.—1837.

served as heir-looms. He left about 40,000*l.* in legacies to various Roman Catholic clergymen and colleges; and, after several other considerable bequests, all the residue of his personal estate to the right rev. Dr. Bramstone, of London, and the right rev. Dr. Walsh, vicars apostolic, their executors, administrators, and assigns, absolutely and for ever. Such is the substance of Mr. Blundell's will. The families of his sisters, it will be perceived, were not even mentioned; but the most extraordinary feature of the whole is, that the name of the principal legatee is a misnomer, Mr. Weld's name being "Joseph." The more immediate relatives of the deceased, it would seem, at first took steps to oppose the will, on the grounds of the insanity of the testator. Subsequently, however, we believe, the matter was amicably arranged. The estates were valued at more than 9,000*l.* a-year, and the residue at 200,000*l.* The deceased was of very eccentric habits. Soon after his death, the executor or his son caused a strict search to be instituted, and found, scattered here and there, in various places about the house, sums of money amounting altogether to no less than 22,800*l.* At Ince there is one of the most valuable private collections of works of art in the kingdom, consisting principally of specimens of ancient and modern sculpture. It was made by the father of the late Mr. Blundell. The fine specimens of sculpture are arranged in a building which he erected for the purpose, exactly resembling the Pantheon at Rome, though one-third less in size. The collection consists of about 100 statues, 150 busts, 110 basso-relievos, 90 sarcophagi and cinerary urns, 40 ancient fragments, besides marble pillars, tables, and other antiquities, and about 200 pictures.

## NOVEMBER.

4. At Paris, the Baron Alibert. During the period of five succeeding reigns, this celebrated physician had been the confidential physician and friend of the court at Paris; and in him France has lost another of her *savans*. Though on the verge of seventy, he, until shortly, enjoyed all the haleness and spirits of a young man. His writings were many, and on various branches of therapeutics;

but those by which he is most known to Europe are his treatise on the mineral waters of France and Germany; his "Physiology of the Passions;" and his voluminous and erudite work on diseases of the skin.

## DECEMBER.

7. At Serampore, aged 69, the rev. Dr. James Marshman. He was a native of Westbury Leigh, in Wiltshire, and was one of the missionaries dispatched to India by the Baptists to preach the gospel to the Hindoos. He arrived in India in 1799, and settled at Serampore with his companions. For three years he diligently studied the Bengalee and Sanskrit; after which he applied to the study of Chinese, for the purpose of translating the Scriptures into that language. By dint of incessant labour, he obtained a perfect knowledge of that difficult tongue. He translated into it the Gospels of Matthew, Mark, and John, the Epistles of St. Paul to the Romans and Corinthians, and the Book of Genesis. He was the author of "A Dissertation on the Characters and Sounds of the Chinese Language," 4to. 1809; "The Works of Confucius, containing the original text, with a translation," 4to. 1811; and "Clavis Sinica; Elements of Chinese Grammar, with a preliminary dissertation on the characters and the colloquial medium of the Chinese; and an Appendix, containing the Ta-Hyok of Confucius, with a translation," 1814. These works lay European literature under everlasting obligations to the learned and laborious translator. Dr. Marshman was the last survivor of those devoted men who were the founders of the Serampore mission.

11. At the residence of his son in Warwickshire, William Zouch Lucas Ward, esq., of Guilsborough Hall, co. Northampton.

18. At East Looe, Cornwall, aged nearly 73, Thomas Bond, esq. He was nominally in the profession of the law, but he never sought practice, and lived on his private fortune. He published, in 1823, a work of much local research, "Topographical and Historical Sketches of the Borough of East and West Looe, with an account of the natural and artificial curiosities, and picturesque scenery."

— At Paris, aged 94, M. Tessier,



## DEATHS—JAN.

director of the royal flocks at Rambouillet, a knight of the legion of honour, and a member of the Institute. M. Tessier, at an early period of his life, devoted himself to agriculture as a science, and rendered an important service to his country by introducing the breed of sheep, in doing which he was assisted by Louis XVI. He was the editor of the *Annals of French Agriculture*, a very voluminous periodical work, which was commenced in 1798. To him France is also indebted for Georges Cuvier, whom M. Tessier, the first to discover his talents, invited to Paris, and introduced to the scientific world.

1838.

## JANUARY.

3. At Cheltenham, aged 20, Lord Richard Molesworth Wandesford Butler, fourth son of the Marquis of Ormond,

*Lately.* At Ramsgate, Elizabeth, widow of Lord Edward Bentinck. She was the eldest daughter of Richard Cumberland, esq., the dramatic author, and has left issue the rev. W. E. H. Bentinck, Prebendary of Westminster, and Lady Milner, wife of Sir William Milner, Bart.

4. In John street, Adelphi, aged 64, the rev. Sir John Head, the seventh Baronet, of the hermitage, near Rochester (1676) rector of Rayleigh, Essex.

— At Melbourne-hall, Yorkshire, aged 60, sir Henry Maghull Mervyn Vavasour, the second baronet, of Spaldington and Melbourne (1801), a lieutenant-general in the army.

5. At the house of his son-in-law, Henry Thorold, esq., Hintlesham-hall, Suffolk, aged 75, Robert Mansell, esq., a rear-admiral in the royal navy, of Charlton King's, near Cheltenham.

6. At St. John's College, Cambridge, aged 78, the rev. Thomas Catton, senior fellow, and formerly tutor of that society. F.R.S. and F.A.S.

— In Russell-place, aged 67, Signor Stefano Egidio Petronj, "Pastor Arcade de Roma," a laureat in philosophy and laws of the University of Perugia, and a member of the Italian academies of Leghorn, Siena, &c.

He had been long resident in London as a professor of the Italian language and literature, for which he was in considerable repute; and published several poems, translations, and other works, chiefly designed for the use of students in Italian literature.

— At Foulsham, aged 70, Francis Thomas Quarles, esq., solicitor, and for more than thirty years coroner for the liberties of the duchy of Lancaster, in this county. He was the great-grandson of Francis Quarles the poet, and a lineal descendant of sir Robert Quarles formerly of Romford.

8. At Long-Ditton, Surrey, aged 70 the rev. Brian Broughton, rector of that parish. He published in 1798, six picturesque views of North Wales, with poetical reflections on leaving the country; and a poem entitled "Cops-grove Hill," published, a few years since, in 4to.

— At Cork, major-general, sir Amos Godsil Robert Norcott, K.C.H. in command of the southern district of Ireland.

— At Edinburgh, the rev. George Thomson. He was several years tutor in the family of sir Walter Scott, and it need be scarcely added, is the same individual whom he so frequently kindly mentions both in his letters and his diary. Mr. Thomson was an excellent classical scholar, a very superior mathematician, and a man of uncommon general information.

9. At Newhailes, Miss Dalrymple of Hailes, daughter and representative of the late hon. sir David Dalrymple, bart., lord Hailes.

11. In Manchester-square, Elizabeth, wife of vice-admiral, sir Charles Rowley K.C.B.

12. At his residence, Brier cottage, Stoke-Newington-road, aged 58, John William Boddington, esq. A name well known to antiquarian collectors, and lovers of virtue.

13. At his house in Hamilton-place, in his 87th year, John Scott, earl of Eldon, a privy councillor, high steward of the university of Oxford, D.C. L. F.R.S. and F.S.A.; formerly for twenty-five years, lord high chancellor of England.

This illustrious lawyer and statesman, was the third and youngest son of William Scott. hostman, or coalfitter, of Newcastle-upon-Tyne. Nearly six years the junior of his brother, lord Stowell, he was born on the 4th of June, 1751;

## DEATHS.—JAN.

which, being the birthday of his old master and kind friend, king George the third, the king was wont to say, "Do not speak to me, Lord Eldon, till I have paid my respects to you on your birthday." He received his youthful education, under the care of the rev. Hugh Moises at the grammar school of Newcastle, and at the early age of fifteen was sent to the university of Oxford. In those days, the few stage coaches were known by their armorial bearings, and the never forgotten motto upon the Newcastle coach that conveyed the young man to Oxford was,

"Sat cito, si sat bene."

This was in 1766, in which year he was matriculated and admitted a commoner of University College, under the tuition of his brother, the late Lord Stowell, then an eminent scholar in that society. John Scott was elected fellow of university, July 11, 1767; proceeded to the degree of bachelor of arts, Feb. 20, 1770; and gained the chancellor's prize, "On the advantages and disadvantages of foreign travel," in 1771. Mr. Scott's original destination appears to have been the church and his prospects in that profession were sufficiently encouraging, when a circumstance occurred which at once destroyed every prospect of preferment from college, and even rendered it doubtful by what means he was to procure a maintenance. This was Mr. Scott's marriage with Miss Surtees, a young lady of Newcastle, to whom he was ardently attached, and to whom he resolved to unite himself in defiance of the advice of his friends, and to all appearance, of common prudence. It was afterwards resolved that he should be called to the bar; and taking lodgings at the university, he applied himself so unremittingly to the study necessary for that profession, that great fears were entertained by his medical friend and adviser, of his undermining his constitution. "It is no matter, Mr. —," said the late chancellor, in reply to his remonstrances on the subject, "I must either do as I am now doing, or starve." Mr. Scott proceeded to the degree of M.A., February, 1773, having been admitted a member of the Middle Temple in the preceding month. With the exception of keeping term, he resided, however, in or near Oxford. During this time, in order to increase

his income, he took a part in the tuition of University College, in conjunction with his brother and Mr. Fisher, now master of the Charter House. He also read lectures as the deputy of sir Robert Chambers, the Vinerian professor of common law. This was from 1774 to 1776; on the 9th February, in the latter year, he was called to the bar, and quitted Oxford for the metropolis. He gave his attention principally to conveyancing, and the practice of the courts of equity; but, after some years of laborious study, his prospects were so discouraging, that he resolved to quit London, and practise as a provincial counsel in his native town. However, in the spring of 1781, in consequence of the occupations of Mr. Cowper not permitting him to attend as leading counsel in the case of the Clithero election petition, for which he was retained. Mr. —, the solicitor for the petition, resolved to entrust the conduct of the cause to Mr. Scott, who then lived in a small house in Carey-street. After he had retired to bed, he was awakened by the offer of the brief in the matter, which was to be argued the next morning before a committee of the House of Commons. Mr. Scott, after some deliberation, said, "It is at this short notice impossible for me to argue the case; but, if you will be content with my stating the facts to the committee, and they will grant me a short indulgence, I will endeavour to make myself master of the law, and will do my best." With this condition the solicitor was satisfied.

Mr. Scott was ready before the morning with a knowledge of the facts, and appeared before the committee. Having stated his case at some length, and with great perspicuity, he explained the situation in which he was placed, and his unavoidable inability to do any justice to the merits. "I hope," he added, "that I am not improperly trespassing, by venturing to solicit a few hours' indulgence." It was instantly granted. The ability which he manifested was soon circulated through the profession, with the report that he had resolved to leave London. Mr. Mansfield and Mr. Wilson, two of the most eminent counsel, conjured him not to quit Westminster Hall. They assured him that his success was certain, and accordingly he shortly after became the leader on the

## DEATHS.—JAN.

northern circuit. The great lord Thurlow soon understood, and therefore appreciated, his abilities; he would have bestowed upon him a mastership in Chancery, which, however, Mr. Scott declined. His powers now became manifest, and, in 1783, a patent of precedence was granted him by lord Loughborough, then first commissioner of the great seal. In the same year, Mr. Scott was introduced into Parliament, upon Lord Weymouth's interest, for the borough of Weobly, for which he continued to sit until 1796.

From the first, Mr. Scott attached himself to the party of Mr. Pitt, who was his personal friend, and with whom he always remained upon the most intimate and cordial terms. As a parliamentary speaker, Mr. Scott's merit was considered inferior to his professional abilities as a pleader. In the month of June 1788, Mr. Scott was appointed solicitor-general, and was knighted—an honour which it appears he was desirous of declining, but it was insisted upon by his Majesty. Only one instance had then occurred of a solicitor-general being knighted since 1723, though subsequently it has become customary. Shortly after this time, his Majesty's first illness occurred, and the country was in consequence much agitated upon the regency question. The Bill introduced by Mr. Pitt on that occasion was drawn by sir John Scott; to whom also are attributed the line of conduct adopted by the minister, and the truly constitutional doctrines for which he contended. Sir John Scott's progress towards the highest honours was certain but gradual. On the 13th of February, 1793, he was appointed attorney-general, which office he held for six years. During that time his labours were unremitting. Often was he seen at five o'clock in the morning in Lincoln's-inn-fields, walking to his chambers. Among the most painful duties of his high office, may be mentioned the prosecution, in the year 1794, of Thomas Hardy and Mr. Horne Tooke, and other defendants, for high treason. These prosecutions, it ought to be known, were always against the advice of Sir John Scott. As the active agent of government, on this occasion, he incurred, however, considerable odium among the populace, who even shewed a disposition to acts of personal violence on

his leaving court at the conclusion of the trial. The real character of his proceedings in the execution of his office may be inferred from the following fact. A few weeks after these trials, sir John Scott met, in Westminster Hall, Mr. Horne Tooke, who walked up to him, and said. "Let me avail myself of this opportunity to express my sense of your humane and considerate conduct during the late trials." In 1796, sir John Scott was returned for Boroughbridge as the colleague of sir Francis Burdett. On the death of sir James Eyre he succeeded him as lord chief justice of the Common Pleas; and, on the 18th of July, 1799, was raised to the peerage as baron Eldon, of Eldon, in the county of Durham. But this was only a foretaste of the honours which his consummate knowledge and ability were certain to secure; and accordingly, in 1801, he became lord high chancellor of England. In the same year he was nominated high steward of the university of Oxford by the Duke of Portland, then chancellor of the university; a nomination ratified by the unanimous vote of convocation, by which the degree of D.C.L. by diploma was immediately after conferred upon him. We may also here notice lord Eldon's memorable contest with the late lord Grenville for the chancellorship of Oxford in 1809. The three candidates were, the late duke of Beaufort, lord Grenville, and lord Eldon; and the exertions made by their several friends were perhaps never equalled in the annals of academical elections. The result, after a poll that lasted throughout one day *and night*, and part of the next day, was—For Lord Grenville, 406; Lord Eldon, 393; Duke of Beaufort, 238. In the year 1830, a law scholarship was founded at Oxford, by the subscription of many distinguished persons, in honour of the earl of Eldon. Lord Eldon resigned the great seal on the 7th of February, 1806; he was re-appointed April 1, 1807, from which period he continued in office until 1827, being altogether a period of nearly twenty-five years.

Testimonies to the judicial merit of Lord Eldon are so common, that the difficulty lies in selection. Perhaps that of sir Samuel Romilly is the highest in point of authority. He stated in the House of Commons, on the 7th March, 1811, "that there never was a man in

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the court of Chancery who more endeared himself to the bar, or exhibited more humane attention to the suitors. There never presided in that court a man of more deep and various learning in his profession; and in anxiety to do justice, that court had never seen, he would not say the superior, but the equal, of the lord chancellor. If he had a fault, it was an over-anxiety to do justice." His reported judgments are contained in twenty volumes; and of the whole, few indeed have been reversed. To complete our view of his labours as chancellor, we have only further to consider that during his occupation of the office, its legal business was at least doubled, whilst its political duties and anxieties were certainly greater than at any former period. At the coronation of King George the Fourth, the lord chancellor was promoted to the dignities of viscount Encombe and earl of Eldon, by patent dated July 7, 1821, in which it was expressly stated, by his majesty's special desire, that the said titles were conferred "in consideration of his profound knowledge of the laws of his country, and the distinguished ability and integrity which he had invariably evinced in administering them in his said office of chancellor, during a period of nineteen years." His lordship finally resigned the seal April 30, 1827, having then kept it for a longer period than any of his predecessors. He would probably have inclined to persevere in the labours of office for some years longer, could he conscientiously have agreed in the policy of yielding to the Roman Catholic claims. With regard to his personal temperament, Lord Brougham said of him in the House of Commons, in 1818, "A more kindly disposed judge to all the professional men who practise in his court never perhaps existed."—By the lady already mentioned, Elizabeth, daughter of Aubone Surtees, esq., banker, of Newcastle-upon-Tyne, the earl of Eldon had two sons and two daughters, viz. the hon. John Scott, died in 1805, leaving issue one son, John, now earl of Eldon; Lady Elizabeth, married to George Stanley Repton, esq. architect; the hon. William Henry John Scott, barrister at law, who died in 1832; and lady Frances Jane, married to the rev. Edward Bankes, prebendary of Gloucester and Bristol, and rector of

Corfe castle, county of Dorset. By his will, lord Eldon, after providing for his daughters and their children, left all the residue of his vast property to the present earl of Eldon, with remainder over to the male children of his daughters in succession, in the event of his lordship (who has three daughters) not having male issue. The personal property was sworn to be under 700,000*l*. The body of the ex-chancellor was removed on Monday, January 22, for interment to Kingston, county Dorset, the parish in which his estate of Encombe is situated. It was attended out of town by a train of more than eighty carriages, including those of two members of the royal family, and other distinguished personages.

13. At Frankfort, Ferdinand Ries, a distinguished master of modern German music, and performer on the pianoforte.

14. At his house near Kingston, county of Dublin, aged 74, Sir William Stainer, bart. alderman of Dublin.

15. At the Broadway, Westminster, aged 67, the celebrated vocalist, Mrs. Bland. She was born at Caen, in Normandy. Her parents were Italians, and they came to London shortly after she was born. When she was only four years old her vocal powers were extraordinary. She sang at Sadler's Wells, when under five years of age, and when so little, that to ensure her being seen, she was placed on a table. After performing at various minor and provincial theatres, she made her first appearance at Drury Lane in 1789. In 1791 Colman engaged her for the little theatre in the Haymarket; and subsequently wrote for her characters in all his musical dramas. In 1822 she began to exhibit symptoms of mental imbecility, which rapidly increased upon her; it proved to be a low nervous disorder, nearly allied to melancholy madness. In 1834 a benefit was got up for her at Drury-lane, the proceeds of which, with other sums, were vested in an annuity, which she enjoyed till her death. Mrs. Bland's voice was a mezzo soprano, of great sweetness and flexibility; her style was pure, and her intonation perfect. She was practically and theoretically a good musician, and in Handel's sacred pieces she peculiarly excelled. As an actress, she was arch and sprightly.

16. Suddenly, at the residence of his son-in-law in Dartmouth, Richard Har-

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risson Pearson, esq. vice-admiral of the blue.

— At his seat, Linley wood, county of Stafford, James Caldwell, esq. a magistrate and deputy lieutenant of that county, and for many years recorder of Newcastle-under-Lyne, aged 78.

— In Hill street, aged 77, the right hon. Sarah Countess of Essex.

17. At his seat, Bromley-hill, Kent, aged 77, the right hon. Charles Long, baron Farnborough, of Bromley-hill Place, G.C.B., a privy councillor of England and Ireland. Lord Farnborough was a person of considerable taste and accomplishment, particularly in painting, and has been called "the Vitruvius of the present age." He printed a pamphlet on the projected improvements and alterations in the metropolis, called "Remarks on the Improvements in London, 1826," 8vo. He was also the author of a sketch of the character of Pitt, which he wrote for Gifford's Life of that great statesman.

— At Amsterdam, aged 53, Professor Moll. He was born in the same city, on the 18th of January, 1785. About the year 1800 he was placed as clerk in a mercantile house of great respectability, for the purpose of acquiring a general knowledge in mercantile affairs; and although a young man of independent fortune, he performed the duties of the office with assiduity and attention. All his leisure time, however, was devoted to the study of mathematics and astronomy. His father perceiving the turn of his mind, allowed him to relinquish commercial pursuits, and to follow his inclination. This was about the year 1806. He forthwith commenced a regular course of studies under his friend Prof. Van Swinden, at Amsterdam; thence he proceeded to Utrecht, and finally to Paris. In December 1812, he was appointed professor of mathematics and natural philosophy at the university of Utrecht, and was subsequently intrusted by his majesty the king of the Netherlands with many important charges. During a considerable period, he had the superintendence of the "Waterstaat," comprising all the measures requisite for the protection of that country from inundation; the care also of the chronometers belonging to the royal navy, was intrusted to him; and he was one of the three examiners of naval officers previous to their receiving appointments. In 1835,

he was charged by his majesty to direct and report on a series of observations on the tides along the whole of the Dutch coast, which report was transmitted to professor Whewell, of Cambridge. Among the various papers which he transmitted to England for publication, was one to Sir David Brewster on the invention of the telescope; another on the result of his experiments upon the velocity of sound; a third on the comparison of British, French, and Dutch weights, which was published in the Journal of the royal institution, August 1831; and a fourth on the solar eclipse, 7th of September, 1820. Several years since, his sovereign conferred on him the order of knighthood. The citizens of Edinburgh, on the meeting of the British Association in 1834, honoured him with the freedom of the city, and the University that of a doctor's degree, which, however, he had already acquired in Holland. In the year 1825, he was offered, but declined, the professor's chair at Leyden (which is considered higher in rank and emolument than that of Utrecht). The University and the city of Utrecht testified their sense of this mark of his attachment by placing at his disposal a considerable sum of money for the extension of his collection of astronomical and other instruments, which valuable collection, together with his library, he has, by will, left to the university. His knowledge of the English language, and his great facility in both writing and speaking it, are well known. He also had an equal command of the French and German languages.

— At Bath, aged 61, Henry Haynes, esq. a Post Captain, R.N.

18. At North Aston, Oxfordshire, aged 54, the right hon. Thomas Scott, second Earl of Clonmel.

— Aged 65, the hon. James Ramsay, a lieutenant-general in the army, and governor of Carlisle; brother to general the earl of Dalhousie, G.C.B. and to Lord Panmure.

19. At Fulbeck, Lincolnshire, in her 80th year, Anne, widow of the hon. Henry Fane, uncle to the earl of Westmoreland.

21. At Hood house, near Totnes, lieutenant-colonel John Humphery Edward Hill, C.B.

— Aged 64, the hon. Philip Wodehouse, vice-admiral of the white; next brother to lord Wodehouse.



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23. In Belgrave square, aged 76, Pascoe Grenfell, esq.

24. At Abingdon, aged 64, Sir Charles Saxton, of Circourt, bart.

— In Brompton row, aged 39, Mr. John Reeve, a popular comic actor.

*Lately.* At Islington, John Jones, LL.D. barrister at law. A man possessing a strong original force of mind, improved by laborious study. He was called to the bar in 1803, but some ill-judged conduct on his part, destroyed all prospect of success in the profession of the law. He possessed considerable critical knowledge as a Greek scholar, and was deeply read in the manuscript records of this and other countries. His printed works are:—translated travels of Dr. Bagge in the French Republic from the Danish, 8vo. 1801; *De Libellis Famosis*, or the Law of Libel, 8vo. 1812; *Cyfamod Newydd*, or the Gospels translated into Welsh from the Greek, 12mo. 1818; and an 8vo. volume of the History of Wales. Notwithstanding his unwearied industry, and extensive acquirements, Dr. Jones's path through life was not prosperous, and at the time of his death he even suffered from the pressure of pecuniary difficulties.

24. In Kensington union workhouse, aged 79, a Swedish baron, Charles Kierulf. He was admitted by direction of the magistrates of the police office, Marylebone, being found in a state of destitution, on the 24th of November. He left by his will 50*l.* to the charity (the union), 10*l.* to the master, 5*l.* to the matron for mourning rings, and thus concludes his will, which he addressed to the master, Mr. French, "may God bless you for the kindness you have shown to the unfortunate Charles Baron Kierrulf, brigadier-general."

26. At his rectory, Great Horkesley, Essex, in the 76th year, the right rev. William Ward, D.D. bishop of Sodor and Man, a prebendary of Salisbury, rector of Great Horkesley, and of Althamstone, Essex.

— At Elmdon hall, aged 83, the right hon. Jane Countess Dowager of Rosse.

— At Rome, Prince Louis John Andrea Doria Panfilo Lundy, Prince of Valmonton, &c. The Doria family, which has great possessions in the papal dominions, in Naples, and Sardinia, has lost five of its members in a few years. The preservation of this illustrious name depends on the two sons of

the deceased, Princes Philip and Dominick.

27. At Eton, in his 63d year, Mr. Edward Williams of that place, and of 186, Fleet street, London, for many years the respected publisher of the *Eton Classics*, &c. bookseller to the college.

28. At Oxford, aged 66, Johnny Holloway, whose height was little more than three feet. The likeness of this diminutive being has often appeared in the show-windows of visiting artists. He always walked on crutches.

30. At Bath, aged 65, the right hon. Henrietta Charlotte Elizabeth Countess of Stamford and Warrington.

— At Brighton, Lady Campbell, the wife of lieutenant-colonel Charlewood, and daughter of the late celebrated John Hunter.

*Lately.* At Newtonbreda, Samuel Oliver, aged 104. He was admitted out-pensioner of Chelsea hospital in April 1775, at which time he was discharged for being consumptive, and had been receiving the pension from that time till his death.

— At Dublin, in the 109th year of his age, John White. He enjoyed excellent health and all his faculties until a few days before his death.

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3. At Pau, in the Pyrenees, aged 35, lord George Hervey, second son of the marquess of Bristol.

4. In Dublin, aged 58, the right hon. Somerset Richard Butler, third earl of Carrick, county of Tipperary, (1748) and tenth viscount Ikerrin, (1629); a representative peer for Ireland, and a trustee of the linen manufacture.

— *Essex.*—In his 70th year, Thomas Humm, the Lexden miser. This man possessed estates at Lexden, Colchester, and at Brightlingsea, besides money in the funds, yet was his appearance that of the commonest mendicant. When he went to London to receive his dividends, he used to beg his way to town. He had a great number of guineas about thirty years ago, and could never be induced to part with them.

5. At his residence in London, Thomas Creevey, esq. M.A. barrister-at-law, one of the commissioners of Greenwich hospital.

— At Thorpe Constantine, Staffordshire, aged 64, William Philip Inge, esq.



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7. Aged 51, Richard Pollen, esq. of Rodbourn, in the county of Wilts, one of the six clerks in Chancery, only brother of Sir John Walter Pollen, bart.

8. Aged 42, William Lowndes, esq. of Hassell hall, last surviving male heir of the ancient family of Lowndes, of Bostock house, and Hassell hall, and an alderman of the borough of Congleton. He was found dead in his dining room, having been left well when the family retired to rest.

9. At Glasgow college, sir Daniel Keyte Sandford, Knt. D. C., professor of Greek in that university, and late one of the representatives of the city of Glasgow in parliament. He was a son of the late right rev. Daniel Sandford, D. D. one of the bishops of the Scottish Episcopal church. The bishop had been a student of Christ Church, Oxford; and his son, after having highly distinguished himself at the High School, Edinburgh, was entered as a commoner of the same society in 1817. Here in 1821 he gained the chancellor's prize for an English Essay on the Study of Modern History. He proceeded to the degree of M. A. as a grand compounder May 25th, 1825; and to that of D.C.L. June 6, 1833. He had but just attained his majority, when, although an episcopalian, he was elected, on the recommendation of men of all parties, to the comparatively rich professorship of Greek in the Presbyterian University of Glasgow. By his enthusiasm he soon awakened a love of Greek literature in the students; and his most distinguished pupils, it is believed, were not inferior in acquirements to the best in Oxford or Cambridge. He remodelled the elementary books, translated some German works, and published them with additions; and, by his stirring lectures—many of which were published—(his lecture on Greek authoresses,) for instance,—as articles in the Edinburgh Review—combined with his unrivalled skill and success as a teacher, he elevated over all Scotland the standard of acquirement in classic literature. During the Catholic emancipation struggle, he hurried to Oxford and gave Sir Robert Peel a welcome vote, and soon after the Wellington ministry made him a knight, in consideration of his literary eminence. The excitements of the Reform Bill came, and, at every meeting in Glasgow, the most brilliant speaker was sir Da-

niel Sandford. After an unsuccessful contest for Glasgow, he appeared in the House of Commons as member for Paisley; from which, however, he retired in ill health not long after. The last productions of his pen were some passages in Blackwood's Magazine, entitled, "Alcibiades," where also have appeared occasionally some of his admirable translations of Greek poetry. The death of this accomplished scholar was caused by typhus fever, after an illness of only eight days. His body was conveyed to the island of Bute for interment.

10. At Egham, in his 80th year, sir John Lade, bart. The family of Lade, of Warbleton, in Sussex, was first raised to the title of baronet in 1730. Sir John Lade was, while a boy, in ward to his uncle Mr. Thrale, of Streatham, and in consequence was frequently brought under the notice of the great Dr. Johnson. The wildness of his character had already manifested itself, and it formed the occasion of many of Johnson's reflections on education, marriage and morals, recounted by his biographers. On one of these Mr. Croker has appended this note: "This young heir was the well known sir John Lade, and Dr. Johnson's sagacity had, no doubt, detected in him a disposition to that profusion for which he was afterwards so remarkable. He entered eagerly into all the follies of the day, was a remarkable *whip*, and married a woman of the town. See towards the close of the fourth vol., (8vo. edition) the lively, satirical, and too prophetic verses which Johnson wrote on his coming of age. By Mrs. Smith, the person whom he married, sir John had no issue: the baronetcy is now extinct.

10. In London, aged 53, lieutenant-colonel William Balfour, late of the 82d regiment.

— At her family residence of Rough-ton, in Worfield, county of Salop, aged 86, Nancy, the relict as well of the late William Smith Stokes, as of William Stokes, first cousins, and both of that place.

11. At Bishop's Wearmouth, aged 50, the rev. Robert Gray, M.A. rector of Sunderland.

12. At New York, aged 72, James Watson, who in 1817 was tried for high treason, together with Thistlewood, Preston, and Hooper. The conspiracy

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with which they were charged originated with a society calling themselves Spenceans, whose objects were an agrarian law and equal division of property. The means by which this end was to be effected were the arming of the discontented artisans of the metropolis, and the seizure of the Bank and the Tower. The assemblages took place in Spa-fields; their operations proceeded no further than the robbery of several gunsmith's shops. Watson was a chemist and apothecary, and therefore called Doctor. His son was also one of the most violent and active confederates. The riots were brought to a crisis on the 2nd Dec. 1816; on the evening of which day Dr. Watson was apprehended at Highgate, being suspected to be a footpad. His son effected his escape. The trial of the prisoners did not commence till the 9th of June, 1817, when it was determined that the trial of Dr. Watson should take place first. His counsel were Mr. Wetherell and serjeant Copley (since sir Charles Wetherell and Lord Lyndhurst); and after the trial had lasted a whole week, he was acquitted, when the attorney-general declined to proceed with the prosecution of the other prisoners. Hooper died at the end of the same year in St. Thomas's Hospital, when Watson and his other associates attended his funeral. They continued their seditious meetings at intervals, with the aid of their friend "orator Hunt," the late M. P. for Preston, until the capture of Thistlewood, at the head of the Cato-street conspirators, in Feb. 1820, and his capital punishment in the following April, at length dissolved the unholy alliance. Watson was not implicated on that occasion, but he shortly after retired to America, where he endured many vicissitudes, and at last died in the New York hospital. His son, who was suspected of shooting Mr. Platt, in Beckwith, the gunsmith's shop on Snowhill, during the riots of 1816, died two years since.

12. At Paris, aged 63, Libon, the violinist. He was a favourite pupil of the celebrated Viotti, and quitted his master to be engaged as first violinist at the chapel of John II: King of Portugal. He subsequently held the same place at the Court of Madrid, under Charles IV. He returned to Paris in 1803, and was successively first violinist to the Empresses Josephine and Maria Louise,

and to Charles X. He was the composer of several studies which were much admired, and a great number of musical works played at the Conservatoire.

13. At Paris, Sophia, wife of George Alcock, esq. late of Bath, daughter of the late George Lowther, of Kilrua, county of Meath, esq. great-granddaughter of general Ponsonby, who was killed at Fontenoy, in 1745.

16. At Madeira, aged 20, the hon. Arthur Baring, youngest son of Lord Ashburton.

— At the deanery, Bangor, aged 71, the very rev. John Warren, M.A. dean of Bangor, and a prebendary of Lichfield. He was nephew of the right rev. John Warren, formerly bishop of Bangor.

*Lately.* E. Manning, esq. of Norwich, who, among other charitable bequests, has left 4,000*l.* to be applied by trustees of Norwich charity schools in apprenticing poor boys. He has bequeathed upwards of 70,000*l.* to distant relatives for whom he affected to have no regard—to T. S. Norgate, esq. 29,000*l.* to the rev. T. S. Buckle, 14,500*l.* (both of Hethersett), and 14,500*l.* to Mr. Manning of London; the remainder in various sums of from 1*l.* to 300*l.* to friends and acquaintances and charitable institutions. He had formerly been a brazier, and hoarded his money so parsimoniously as to realise this very large sum, his income being upwards of 2000*l.* a-year, and his expenses seldom exceeding 20*s.* a-week.

17. At his house in Spring Gardens, aged 48, John Bonham Carter, esq., of Ditcham Park, Hampshire, M.A., a barrister-in-law, M.P. for Portsmouth.

21. At Paris, aged 80, the baron Silvestre de Sacy, the highly distinguished Oriental scholar, a peer of France, grand officer of the légion d'honneur, &c. &c. Antoine-Isaac Silvestre de Sacy was born at Paris September 21, 1758, the son of Jaques Silvestre, a notary. At the age of seven he had the misfortune to lose his father, but he had a pious and affectionate mother, under whose care he was educated at home. His classical attainments were very brilliant, and his knowledge of Latin and Greek literature would have been sufficient to have made the reputation of a man less celebrated on other accounts. From the age of twelve, he he was accustomed to walk with his preceptor in the garden of the Bene-

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dictines of St. Germain des Pres. Among them was Berthereau, then engaged in preparing a collection of those Arabian historians who had noticed the wars of the crusades; young de Sacy attracted his regard, and imbibed from him a taste for the Oriental languages. He began with the Hebrew, and then proceeded to the Syriac, Chaldee, Samaritan, the Arabic, and the Ethiopian. To an acquaintance with this family of the Eastern tongues, he added Italian, Spanish, English, and German. M. de Sacy's first public task was the collation, for a German Orientalist, of a Syriac version of the fourth book of Kings, contained in a manuscript of the Bibliothèque Royale. This was in 1780, when he was in his twenty-third year. The result was published by Eichhorn in the 7th volume of his *Repertorium*. He afterwards copied the whole book; and it forms a part of Middeldorpf's *Codex Syriaco-Hexaplaris*, printed at Berlin, 4to. 1835. In 1781, M. de Sacy obtained the appointment of conseiller in the *Cour des Monnaies*. In 1783, having directed his attention to the two letters addressed by the Samaritans to Joseph Scaliger, about the end of the sixteenth century, he prepared an accurate text of them, which, accompanied by a Latin version and notes, was communicated to the twelfth volume of Eichhorn's *Repertorium*. In 1785, on a class of eight academicians being founded by the king, in the *Académie des Inscriptions*, M. de Sacy was appointed one of them; and he immediately engaged in the composition of his two memoirs on the ancient history of the Arabs and the origin of their literature, printed in the *Récueil* of the *Académie*. Shortly after, he was actively engaged as one of the committee of the Academy appointed to examine the most important unpublished manuscripts, and who gave the result of their labours under the title of "*Notices et Extraits des Manuscrits de la Bibliothèque du Roi et autres Bibliothèques.*" He next engaged in his excellent memoirs on the various antiquities of Persia; they were four in number, read at the Academy in 1787, 1788, 1790, and 1791; and published in 1793, in the midst of the Revolution. In 1791 he had been nominated one of the *commissaires-généraux* of the mint; and in 1792 he was elected an honorary mem-

ber of the Academy; but, in June 1792, he found it necessary to resign the former office; and as for the Academy, it sunk, with the other learned societies, in the revolutionary storm. He found it necessary to live in the most absolute retirement; and repaired with his family to a country house some leagues from the capital, where he divided his time between his scientific labours and the cultivation of his garden. However, his researches and the printing of his *Memoirs on Persia*, made a weekly visit to Paris necessary; and this he was accustomed to perform on foot, a staff in his hand, and a bottle of beer in his pocket. His *Memoirs*, which had been intended for the *Récueil* of the Academy, were at length published distinctly, in a quarto volume. At this period, when the churches were closed, M. de Sacy had mass read publicly in his house on Sundays and feast-days. This was done in disregard of the penal laws of that epoch, but nobody chose to molest him. He was once ordered, according to the arbitrary requisitions of the day, to assist in threshing a barn full of corn with the neighbouring peasants; but the latter, who held him in the highest regard, undertook to make his excuse by representing the smallness of his stature, and the weakness of his sight. His leisure was now principally occupied in his great task on the religious system of the Druzes. He made a new translation of four Arabic volumes on this subject, which had been presented by a Syriac physician to Louis XIV., in the year 1700, and added many laborious illustrations; but at length found it necessary to defer the completion of his task until he could obtain access to several foreign libraries. However, the violence of the reign of terror began to subside. By a decree of the Convention, dated April 2, 1795, a public school was attached to the *Bibliothèque Royale*, now called *Nationale*, for the teaching of the living Oriental languages, useful in politics and commerce. M. de Sacy, from the first, was assigned to the chair of Arabic; M. Langles to that of Persian. An article of the decree stipulated that the professors should compose in French a grammar of the language which they were charged to teach. This occasion directed the attention of M. de Sacy to the principles of grammar in general, and in 1799 he published the

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first edition of his "*Principes de Grammaire Générale mis à la portée des enfants, et propres à servir d'introduction à l'étude des toutes les langues.*" In 1805, M. de Sacy was sent to Genoa, on a commission to search for some important Oriental works supposed to exist in the archives of that city. They were not found; but M. Sacy made some important collections from manuscripts of the middle age, upon which he made a report to the Academy on his return to Paris in 1806. On the 4th April, that year, he was appointed professor of Persian at the College of France; and the same year he published a selection of unpublished extracts from Arabic writers, under the title of *Chrestomathie Arabe*, in 3 vols. 8vo. It has been seen, that, during the republican régime, M. de Sacy had steered clear of politics. In 1808, he was elected a member of the *corps législatif* by the department of the Seine. In 1810, appeared the first edition of his *Arabian Grammar*; and in the same year he published "*Relation de l'Egypte, par Abd-Allatif, médecin Arabe de Bagdad,*" with various illustrations and notes, in one volume quarto. He also wrote three memoirs on Egypt, which were all read before the Academy in 1805, 1815, and 1818, and are printed in their *Récueil*. Besides these several works, he was one of the most zealous *collaborateurs* of the *Magasin Encyclopédique*, which was established by Millin in 1795, and appeared monthly until 1816. He also contributed largely to the "*Mines of the East,*" a periodical publication edited at Vienna by Von Hammer, and which now forms six volumes folio; and also to the *Annales des Voyages*, published at Paris by the late Malte Brun. In 1816, the *Magasin Encyclopédique* ceased to appear, and the government re-established the *Journal des Savants*. M. de Sacy, from the first, was one of the committee of editors; and this journal became the grand arena of his philological discussions. In 1816, M. de Sacy printed, under the title of *Cabila et Dimna*, the Arabic text of the fables of *Pidpai*; and in 1819, the *Pend-Naméh*, or *Books of Counsels*, in Persian and French, with notes. In 1822, in conjunction with the late M. Abel-Remusat, an highly eminent Chinese scholar, he was one of the principal founders of the French Asiatic Society. M. de Sacy was named president, and M. Abel-

Remusat secretary. Of course he took an active part in the editing of its transactions, and in them he published his edition in Arabic of the *Sittings of Haviri*. It will have been perceived, from what we have already stated, that during nearly the whole of his life, M. de Sacy was as much a man of business as a man of science. Was a report required on any subject whatever, he was always prepared, and, what is more extraordinary, his scientific works, during the same time, continued almost as if he had been engaged on nothing else. In 1813 M. de Sacy was raised to the title of baron; and after the restoration of the Bourbons he took a more active part in the legislative labours of the Chambers. In February 1815 he was appointed rector of the University of Paris, and in August following, a member of the Commission of Public Instruction, which post he retained until 1823. Shortly after, he was appointed administrator of the College of France, and of the school of Oriental languages, and these two places he retained until his death. The revolution of July found M. Sacy wholly occupied with his scientific labours. Sincerely attached to peace and order, he feared the return of popular excesses; but when he found the claims of morality and public security sufficiently guaranteed, he freely attached himself to the new government. In 1832, when the king made a new promotion of peers, de Sacy and the illustrious Cuvier were among the number. Shortly after, M. de Sacy was nominated, almost simultaneously, inspector of the Oriental types in the *Imprimerie Royale*, keeper of the Oriental manuscripts in the *Bibliothèque Royale*, and perpetual secretary to the *Académie des Inscriptions*. M. de Sacy's last literary work was his "*Exposé de la religion des Druzes,*" which had been one of the earliest subjects that engaged his attention. Two volumes 8vo. were published, and a third was intended. M. de Sacy had entered into his eightieth year. His mother, by whom he had been brought up, died in 1819, aged 86. In February, 1835, he lost his wife, a blow which he severely felt, but after a time his spirits had rallied, and his powers for exertion remained in full vigour until a few months before his decease. His remains were interred on the 23d February, in the cemetery of *Père Lachaise*. M. de Sacy was small

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in stature, but well made. He was shortsighted, and appeared delicate; notwithstanding, his constitution was excellent, and, thanks to his regularity of life, he maintained almost always excellent health. It was wonderful how he found time to compose his numerous works, requiring attention so minute. He spent little time in eating, and when not sleeping, he ever had spirit for work. Wherever he was, he never lost an hour, nor a quarter of an hour; for he always took care to provide himself with some leaves of paper, of which he could make use at any interval of leisure. In religion he was a devout Christian, and ever kept in mind the uncertainty of life, and his faith in a future state. He was constant in his attendance on the services of the church, and an active member of the *Bureau de Charité* of his arrondissement, to which he daily devoted a part of his valuable time. The Academy of Inscriptions, at their meeting, on the day of his funeral, voted a medal in his honour, and the government ordered his bust in marble to be placed in the library of the Institute. M. de Sacy left perhaps the richest library possessed by any private individual in Paris. He bequeathed to the Bibliothèque Royale his manuscript works, and the volumes used in his lectures.

— Lately, at Eckington, at an advanced age, Mrs. Mary Barnes. There were discovered in her house, after her death, 542 gown pieces, upwards of 100 made gowns, and a large assortment of valuable shawls. One of these, it appears, was worth between 40% and 50%. She usually had fourteen cats in her house, together with a great number of rabbits, and she left ten of the former to deplore her loss.

22. At Dalkeith Palace, one of the mansions of the Duke of Buccleuch, aged 68, the right hon. George Thynne, second baron Carteret, of Hawnes, co. of Bedford (1784), a privy councillor, M.A., &c.

23. At Pitcombe, at the advanced age of 109, Mr. Joseph Melhuish, miller. He enjoyed excellent health to the last, with all his faculties unimpaired. He daily read his bible and prayer-book without the aid of glasses: his hearing was good, as well as his memory; and from being remarkably fair, with rather sandy hair, fat, and his muscles quite

full, no one would have supposed him to be more than 80.

24. At Mitcham, Surrey, aged 74, Francis Loe Beckford, formerly of Southampton, and of Basing Park, Hampshire.

25. At Exton Park, county Rutland, aged 78, sir Gerard Noel Noel, bart. for fifty years M.P. for that county.

26. Of consumption, at the Cape of Good Hope, in his 28th year, commander Barrow, late of her Majesty's ship *Rose*, son of sir J. Barrow, of the Admiralty. The disease was brought on by constant exposure to the hot and humid atmosphere of the Straits of Malacca, whilst in pursuit of Malay pirates.

27. At his seat, Marfield, Stillorgan, county Dublin, in his 65th year, sir Abraham Bradley King, of Corrad, county Fermanagh, and Bloomsbury, county Dublin, bart., an alderman of Dublin.

## MARCH.

1. At Brighton, the hon. Elizabeth Monson, aunt to Lord Monson.

3. At Llanbister, in the county of Radnor, in the 86th year, the reverend David Lloyd, 49 years Vicar of that parish: author of *Horæ Theologicæ*, or a Series of Essays embracing Physics, Morals, and Theology, 1823, the *Voyage of Life*, a poem, in nine books, 1792. *Characteristics of Men, Manners, and Sentiments*, and other poems, 1812.

4. At Camp-house, George-town, Guiana, aged 58, Major-general sir James Carmichael Smyth, bart., of Nutwood Surrey, K.C.H., C.B.

5. In her 70th year, Harriet widow of Charles Wall, esq., of Norman-court Hants, mother of Charles Baring Wall, esq., M.P., and sister of lord Asburton. She was the eldest daughter of sir Francis Baring, bart., by Harriet, youngest daughter of William Herring, of Croydon, esq., cousin and coh. of Archbishop Herring.

— In Suffolk-place, aged about 50, Andrew Martin, esq., the French Consul; who terminated his existence by blowing his brains out with a fowling-piece.

— In his 82nd year, Edward Roger Pratt of Royston-hall, Norfolk, esq.

— In New South Wales, lieut.-col. Henry Dumaesq. This gallant officer entered the army at the early age of



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sixteen. His subsequent career is best given as detailed in an official record of his services, at the Horse-guards. He served in eight campaigns; of which six were in the Peninsula, one in Canada, and the last that of Waterloo. He was present in the thirteen battles for which medals was bestowed, besides many affairs of outposts, of advance and rear guards; also at the sieges of Badajos and Burgos, and at the assault of the forts of Salamanca. On the two former occasions he served as a volunteer with the engineers, and on the latter (again a volunteer) being the foremost person in the assault of that redoubt, he received from the officer in command of the Vitoria Convent the terms of his capitulation, which document he delivered to the Duke of Wellington. He attained the rank of lieutenant-colonel after nine years' service, and was gazetted to that grade in June 1817 for services in the field. He was employed on the staff upwards of eighteen years, and out of twenty-six years' service he was employed upwards of twenty-two years abroad. He was twice dangerously wounded.

At the battle of Waterloo he was on the staff of lieut.-general sir John Byng, now lord Strafford, and was shot through the lungs at Hougomont; but being at the time charged with a message for the duke of Wellington, he, in spite of such a wound, reached the duke and delivered his message before he fell.

The ball was never extracted, and is considered to have been the eventual cause of his premature death, by inducing paralysis, which finally carried him off at the age of forty-six, at the establishment of the Australian Agricultural Company in New South Wales, in the management of whose large concerns as chief commissioner, he succeeded a distinguished member of the sister profession, captain sir Edward Parry, R.N. and repeatedly received the thanks of the directors for his able and zealous conduct in the superintendence of their affairs.

— At Elgin, aged 107 years, Mrs. Batchen. This long-liver dwelt in Elgin from her infancy. She was in the year of the rebellion, 1745, servant to lady Arradowal, who, at that time, resided in the house formerly belonging to the earls of Sutherland, and lately called Batchen's-hall, a portion of the east wing of which still stands. Prince Charles Stuart on his way to Culloden,

slept in this house; and the subject of the present notice helped to make his bed. She used to relate that her mistress, lady Arradowal, a staunch Jacobite, laid aside the sheets in which the prince had lain, and gave strict orders that, when she died, they might be used as her shroud. Mrs. Batchen, for a long period, enjoyed excellent health, and was at the fish-market a few days before her death.

6. At Cottesmore-park, aged 77, the right hon. Augusta Countess of Lonsdale, sister to the earl of Westmoreland.

— At Portsea, aged 30, Mr. Thomas Cole, a clever self-taught artist. Many of his portraits were able productions.

— Aged 87, David Griffiths, esq. of Ludlow. Upwards of twenty years since he retired from the business of a skinner. He was a bachelor, and, being a strict economist, his savings were estimated at 90,000*l*.

8. Aged 61, Henry Winchester, esq. alderman of the ward of Vintry in the city of London. At the general election in September, 1830 he was returned to parliament for Maidstone, but the dissolution in the following April deprived him of his seat. He passed his year of mayoralty in 1834-5, in great unpopularity, in consequence of his refusing to hold political meetings in Common-hall. Alderman Winchester's commercial affairs had been long involved in difficulty; and at length on the 1st. of March last a commission of bankruptcy was issued against him. On that day week he was no more. He died at a lunatic asylum. to which he had been removed, having unhappily brooded with such intense melancholy on his domestic calamities as to have been bereft of his senses.

10. At Florence, aged 50, the right hon. Henry John Peechy, third Baron Selsey, of Selsey, co. Sussex, and the 6th baronet (of West Dean, Sussex, 1736), a captain in the Royal Navy, and F.R.S.

12. At Drakelow, aged 43, Alexander Charles Crawford, esq. capt. in the army; eldest son of sir James Crawford, bart. by Maria Theresa, eldest daughter of general the hon. Thomas Gage. He, married in 1818 Lady Barbara Coventry, sister to the present Earl of Coventry.

— At Truro, aged 78, the rev. Richard Polwhele, of Polwhele, near Truro, historian of Devonshire and Cornwall, of which latter county he was a magis-



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trate. He was born at Truro, and educated at the grammar-school there. In 1778 Mr. Polwhele was entered a commoner of Christ Church, Oxford, then under the care of Dean Bagot. Two of Fell's exhibitions were conferred on him, and had he confined himself to the college exercises, he would probably have won academical honours; but his poetical friends had unfortunately flattered the schoolboy's muse, and he spent his time in accumulating stanzas upon stanzas. Some of these were published. These poetical amusements so interfered with his severer studies, that on leaving the university he put on a civilian's gown to avoid the expenses of a grand compounder, though he went through all his examinations for his bachelor's degree. In 1782 Mr. Polwhele was ordained into deacon's orders by Dr. Ross, bishop of Exeter, and served successively the cures of Kenton and Exmouth. At Kenton he planned his "History of Devonshire," of which the second volume (the first published) appeared in 1793. In this work his talents as a writer were more conspicuous than his fitness for the minute detail so necessary as a county historian and antiquary. It will, nevertheless, ever be consulted with pleasure by the man of genius, who will be sure to find much that is congenial to his taste, in the poetical descriptions of scenery, choice biographical notices, &c. In 1795, Dr. Buller, bishop of Exeter, collated him to the small vicarage of Manaccan in Cornwall. To this little parish Mr. Polwhele immediately removed, undertook also the curacy of St. Anthony, and was appointed a magistrate. In this domestic retirement Mr. Polwhele passed the happiest of his days. Here, also, he published numerous poems, letters, and professional pieces. In 1806 an increasing family induced Mr. Polwhele to leave his little vicarages of Manaccan and St. Anthony, and remove himself to the curacy of Kenwyn, a populous parish in the vale of Truro. Here Mr. Polwhele was very active in his ministerial and magisterial capacities.

In the meanwhile the ardour of publication was not abated. Indeed it was so great that we cannot attempt to enumerate all his works. In poetry he was particularly prolific. In history, he published, besides the "Devonshire," "The History of Cornwall;

civil, military, religious, architectural, agricultural, commercial, biographical, and miscellaneous," in 7 vols. 4to. 1803. In divinity and professional subjects, Mr. Polwhele published several volumes of sermons and essays; he was likewise the author of numerous works of a miscellaneous character. In 1821 Mr. Polwhele was presented by Dr. Carey, bishop of Exeter, to the vicarage of St. Newlyn, (about eight miles from Truro), here he resided till 1828. when he removed to his paternal seat at Polwhele near Truro. There have been few writers more constant in their labours, or who exhibited greater versatility than Mr. Polwhele. In addition to the numerous works with his name attached, he was a large contributor to the periodical publications of the day. If we add his voluminous correspondence as printed or noticed in his biographical volumes, it would be a difficult task to enumerate the immense mass of his writing. Mr. Polwhele's last illness was of long duration. He died at Truro, and his remains were deposited in the family vault, in St. Clement's, in that town. He left a large family, consisting of thirteen children.

13. At Aix, in Provence, aged 85, lady Elizabeth Russell, eldest and last surviving daughter of the late earl of Louth. She was succeeded in all her titles (baronies of Athenry and Delvin) and her estates, by her only son, Thos. B. D. Henry Sewell, grandson and heir, we believe, of the late learned sir Thomas Sewell.

*Lately.* At Gloucester, aged 65, the right hon. Elizabeth dowager countess of Masefield. Her maiden name was Lane; she was first married to Clotworthy 2nd earl of Massereene, who left her his widow, without issue, in 1805; secondly, to George Doran, esq.; and thirdly, to the hon. George Massy, to whom she was third wife, and who died in 1834.

— In Bishopsgate-street, aged 78, Mr. Alexander Callendar, an extraordinary man, long known about town as the philosophical chair-maker.

14. At his residence Grosvenor-gate, aged 58, Wyndham Lewis, esq. of Pantgwynlass, co. Glamorgan, barrister-at-law, M. P. for Maidstone, a deputy-lieutenant for Glamorganshire, and a major of the militia of that county.

15. In Torrington square, at an ad-

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vanced age, John Baker, esq., for many years in the commission of the peace for Middlesex and Westminster, and deputy-lieutenant of the county.

17. At Peckham, in his 70th year, Philip Hammersley Leathes, esq. F.S.A. a member of the Inner Temple, and for nearly 40 years in the accountant's office at the Bank of England.

— At Southsea, Joseph Simmonds, esq. commander R.N., who distinguished himself at Trafalgar, on board the Royal Sovereign, of which he was third lieutenant, and fired the first shot that opened that ever-memorable action.

19. In Piccadilly, aged 62, lieutenant general sir Edward Barnes, G.C.B. of Beech-hill Park, near Barnet, colonel of the 31st. foot, and M. P. for Sudbury.

21. At Dalhousie Castle, near Edinburgh, aged 67, the right hon. George Ramsay, ninth earl of Dalhousie.

24. At his house, Cheyne-walk, Chelsea, in his 73rd year, Thomas Attwood, esq., organist of St. Paul's Cathedral, &c.

Mr. Attwood received his early professional education, as one of the children of the Chapel Royal, under Dr. Nares, and his successor Dr. Ayrton. Shortly after quitting the royal choir, he performed on the harpsichord at Buckingham-house, when the Prince of Wales (afterwards George the 4th) was present, who, struck by the talent he exhibited, proposed to send him to Italy, to study under the celebrated masters of that country,—an offer gladly accepted, and for this purpose his royal highness assigned him a sum from his private purse. In 1783, he accordingly went to Naples, where he remained two years, after which he proceeded to Vienna, and immediately became a pupil of Mozart, with whom he soon formed a close intimacy, and of whom it is said he was the favorite scholar.

On his return to England the prince appointed him one of his chamber musicians, a situation however, which he soon relinquished.

In 1795, Mr. Attwood was appointed organist of St. Paul's cathedral, and in the following year composer to the Chapels-royal. For the Coronation of George 4th., being required officially to compose an anthem, he produced "The King shall rejoice," a work which has since been heard and admired in most parts of the kingdom. For that of William 4th., in 1830, he wrote the

anthem "O Lord! grant the King a long Life," which proved in every way equal to his first.

Finally, in 1837, Mr. Attwood was, without solicitation, chosen by the bishop of London, to succeed Mr. Stafford Smith, as organist to the chapels royal. He enjoyed this last tribute to his merit, only a few months. Shortly after Christmas he was attacked by a malady which required prompt treatment; but unhappily, his predilection for a new system of medicine prevented his having recourse to sanctioned remedies, till his case had become hopeless. His remains were deposited in St. Paul's Cathedral on the 31st. of March, nearly under his own organ. The funeral was attended by the choir of the church, by the gentlemen and children of the Chapels-royal, and by part of the choir of Westminster Abbey, by the pupils of the Royal Academy of Music, and a vast concourse of acquaintance and admirers.

Mr. Attwood's compositions, are very numerous. Early in life he devoted much of his time to the theatre, and produced several operas. A long list might be given of his canzonets, glees, &c. His two grand anthems have already been noticed; the author lived to see them admitted, by universal consent, among the British musical classics. The invention and science to be found in these are not less conspicuous in Mr. Attwood's other sacred compositions, written for the use of the Royal Chapel.

— At Wormleybury Hertfordshire, in his 90th year, sir Abraham Hume bart., the senior fellow of the Royal Society, F.S.A. &c.

This distinguished naval officer commenced his career on board the Orion 74, commanded by sir Hyde Parker, under whom he served during the Dutch armament in 1787. From that period to the year 1819, when he was appointed to superintend the ordinary of Plymouth, he continued with some short intervals engaged in active service. It may be justly stated that a better seaman, a braver officer, or more scientific nautical architect, does not belong to his glorious profession, than was rear admiral Hayes. He published a pamphlet on Naval Architecture, developing a plan for building a thousand vessels, if required from a given section, without the variation of a needle's point, reducible from a first-

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rate-ship to a cutter, each possessing powers and advantages of every description, in their respective class. Two vessels were subsequently built, in the royal dock-yard, on his projection; one cutter of about 160 tons, and the other a sloop of war of 36 guns, the *Inconstant*, which is pronounced by all who have been on board her to be the finest man-of-war of her class in the royal navy.

25. Aged 77, the right hon. Robert Wilson, Baron Berners (by writ 1455).

— Aged 89, Mr. John Bradley, of Cardiff. Of Glamorganshire agriculture, in its present improved state, Mr. Bradley, may justly be said to be the father. He was the first who cultivated turnips to any considerable extent, and to him is the county mainly indebted for the introduction of Leicester sheep, and a greatly improved breed of cattle. To him also, that part of the principality is indebted for the first establishment of a mail coach, and from its introduction to the day of his death, a period of fifty years, Mr. Bradley was a principal contractor for the conveyance of the mail.

Aged 35, the right hon. Lowther Augustus John Pennington, third baron Muncaster in the peerage of Ireland (1783), and the seventh baronet of Muncaster, co. Cumberland (1676).

— At Polwarth Manse, the rev. Robert Home, father of the Church of Scotland, in the 94th year of his age, and 64th of his Ministry.

26. At the house of his brother-in-law captain Savage, J. P. Finglass Wood, the very rev. Dr. Coleman, vicar-general of the Roman Catholic Church in Dublin.

— At Galway, aged 42, the hon. and rev. Nicholas Ffrench, brother to lord Ffrench; in holy orders of the church of Rome.

— Aged 26, M. S. Milton, esq. author of "The Ocean Bride," "The Songs of the Prophecies," &c. son of John Milton, esq. of Highmoor Cottage, near Wigton.

— In Park-street, Grosvenor-square, aged 70, the hon. Louisa Harbord, aunt of lord Suffield.

— Aged 41, the hon. Richard Westenra, second son of lord Rossmore, by his lordship's first marriage.

27. In the South of France, Elizabeth Anne, wife of Myles John O'Reilly,

esq. of the Heath House, Queen's County, and eldest daughter of the hon. and rev. George de la Poer Beresford, brother to lord Decies.

28. In his 74th year, Thomas Morton esq. one of the most successful of modern dramatists.

He was born in Durham in 1764. He was sent to the then celebrated school in Soho-square, which is remarkable for having produced several popular actors and dramatists. Morton acquired his earliest theatrical taste while at school; at the proper age he was entered by his uncle a student of Lincoln's-inn, but he was never called to the bar. While keeping his terms he was a constant play-goer, and it ended in his own experiment as a play-writer, and his abandonment of the profession for which he was destined, but for which he had no predilection. He accordingly became a dramatist, and was singularly successful.

Had the Dramatic Copyright Act been in existence twenty years earlier, Mr. Morton would have realised a fortune by his writings. To shew the confidence placed in his abilities by the managers of our theatres, it need only be stated that when his *Town and Country* was to be brought out, in March, 1807, Mr. Harris, of Covent-garden, before the parts had been written out for rehearsal, agreed to give him a draft for 1,000*l.* for it, the theatre taking all risks of success or failure. Mr. Harris was well rewarded for his liberality, for *Town and Country* is one of the stock pieces of every theatre in the kingdom. Morton had previously written *Columbus*, *The Children in the Wood*, *Zorinski*, *The Way to get Married*, *A Cure for the Heartache*, *Speed the Plough*, *Secrets worth Knowing*, *The Blind Girl*, and *The School of Reform*. Every one of these, excepting *Columbus* and *Zorinski*, still keeps possession of the stage. *Columbus* was produced as long since as 1792.

Among Morton's later productions were, *A Roland for an Oliver*, acted for the first time in 1819, and *The Invincibles*, brought out in 1828. Of the one Miss Foote was the Heroine, and Madame Vestris of the other. His judgment was so good, and his popularity so general, that he was always the "surest card" in the hands of a mana-

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ger, and his School for Grown Children, which is by no means one of his best comedies, was played twenty-four times at Covent Garden in the season of 1826-7. Mr. Morton was one of the witnesses examined before the Select Committee of the House of Commons on dramatic literature. In the course of his evidence he stated that he had never seen one of his plays acted—although some had been represented for fifty nights in succession. The lowest price he ever got for a play was 90*l.* or 100*l.*, and the highest 300*l.*

28. In Queen-street, Golden-square, after a severe illness of more than three years, aged 23, Mr. John Barak Swaine. He was the only son of Mr. John Swaine engraver; and was about to enter into his father's business, when he shewed such a decided preference to the superior walks of art, that his father allowed him to become a student at the Royal Academy, where he much distinguished himself and gained a prize; and also two prizes at the Society of Arts.

At that early age he also exhibited a true antiquarian feeling in delineating monuments, stained-glass, and other remains of ancient art.

About four years since he directed his attention to painting in oil; and was with some other young artists employed by Mr. Jones, an American, to copy some of the best pictures at the Hague, and also at the Louvre.

Whilst at Paris, besides painting numerous pictures in oil, such was the versatility of his talent, that to fill up his leisure time beneficially, he took to engraving in wood, in which, as in all other branches of art, he succeeded admirably, though without any previous instruction. At Paris, unfortunately, the effects of that disease which had long lain dormant in his constitution, shewed themselves with such violence, as soon to deprive him of the use of his limbs, and ultimately to cut him off in the flower of his age.

## APRIL.

3. At St. Jago de Cuba, Dr. Antomarchi, the physician who followed Napoleon to St. Helena, and remained with him while he lived. Dr. Antomarchi arrived about three years since at New Orleans from France, and afterwards travelled through Mexico. On his return to the United States, he stopped

at St. Jago de Cuba, to visit some relatives, where he fell a victim to the yellow fever.

— In Upper Brook-street, aged 76, general Henry Wynyard, colonel of the 46th regiment, and one of the consolidated board of general officers.

4. At Haughton Hall, Shropshire, aged 82, Edmund Plowden, esq., of Plowden, in that county, and of Aston, Northamptonshire.

— In Somers Town, aged 67, Mr. John Gale Jones, a clever political orator. He was by business a surgeon and apothecary. When the breaking out of the French revolution inflamed the conceptions of many politicians in old England, he took a lead in the debating societies, where his eloquence and zeal made him a distinguished performer. He was a member of the celebrated "London Corresponding Society," which at one time threatened the destruction of the most valuable institutions of this country. He possessed great powers of declamation, and took an active part in Westminster politics during the period when sir Francis Burdett rendered himself so conspicuous. His connexion with the British Forum, where questions of the most ticklish nature were openly discussed, brought him into collision with the House of Commons; he was committed to Newgate, Feb. 21, 1810, for the publication of a scurrilous handbill, and after two unsuccessful motions for his release made by sir Francis Burdett (amended by Mr. Sheridan) and sir S. Romilly, he was only liberated by the prorogation of Parliament on the 21st of June, which was the same day that sir Francis Burdett, by the same circumstance, was released from the Tower. The following are the titles of Mr. Jones's publications:—Sketch of a Speech at the Westminster Forum, 1794. A Political Tour through Kent for the purpose of promoting the cause of Parliamentary Reform, 1796. An Oration on the character of Washington, 1797. Observations on the Tussis Convulsiva, or Hooping Cough, 1798. Invocation to Edward Quin, esq., 1804. Five Letters to the right hon. G. Tierney, 1806. We believe one of sir Samuel Romilly's first efforts was the conducting the defence of Mr. Gale Jones, who was tried at the Warwick assizes, about the time Mr. Hardy, Mr. Horne Tooke, and others were tried in London. He had

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long resided at Somers Town; and for many years had taken no part in politics.

5. At Clifton, in her 82d year, the right hon. Maria Eliza, dowager viscountess Strangford.

— Austin Cooper, esq., one of the most extensive land-agents in the county. When proceeding with G. Wayland, esq. in a gig from Kilmore to the fair of Tipperary, they were fired at by eight men who were in ambush. Mr. Cooper was shot dead, and Mr. Wayland severely wounded in the back.

7. At Southsea, aged 71, rear-admiral John Hayes, C.B.

9. In Castle-street, Leicester-square, aged 39, by suicide, Monsieur Caiman Duverger, the engineer and architect. At the early age of eighteen years he was an engineer of the Luxembourg Palace; subsequent to which he made a voyage into Syria and Asia Minor, and visited Palmyra, Balbec, and Babylon. On his return to Paris he was employed by the government to draw up a work upon the roads. In all philosophical researches he was a great orator, and argued greatly upon the crime of suicide. He intended to become a candidate for a plan for the erection of the royal exchange.

9. At Richmond, Mary, duchess dowager of Roxburgh. Her grace was the daughter of Benjamin Bechenoe, esq., and was married in June 1790, to William, fourth duke of Roxburghe, who died the 22nd of October, 1815. On the 19th of August, 1806, she remarried with the late hon. John Tolle-mache, second son of the countess of Dysart.

10. At Teignmouth, Devonshire, aged 69, rear-admiral George Tobin, C.B.

11. Aged 72, Robert Ainslie, esq., W.S., the intimate friend and correspondent of Robert Burns. He was the author of "Reasons for the Hope that is in us," and numerous contributions to the periodical literature of the last forty years.

12. In Clarges-street, sir Thomas Richard Swinnerton Dyer, bart., a lieutenant-general in the British and Spanish services.

13. In Pall-Mall, aged 66, Robert Hart Logan, esq., of Kentwell Hall, Suffolk, M.P. for the western division of that county.

— Aged 73, the rev. George Carpendale, of Harwood chapel, in the parish of Middleton in Teesdale, having faithfully discharged his duties as school-

master and reader of the chapel since the year 1789, and those of his sacred office since his ordination in the year 1808. His whole stipend, which he received from the duke of Cleveland, for the performance of his ministerial duties, was 40 guineas a-year. His realised property, amounting to 200*l.*, he left in the hands of trustees, to lay with it the foundation of an endowment for a perpetual successor to himself, that the inhabitants of that destitute part of the diocese may be constantly supplied from the church, with a resident minister, and provided with a burial-ground, the distance of the burial-place of the parish, from the chapel in Harwood, being ten miles.

14. At Edinburgh, aged 73, sir Jas. Fergusson, the third baronet (1703) of Kilkerran, county Ayr. Sir James was the nephew and heir of sir Adam Fergusson, LL.D., formerly M.P. for Ayrshire, and afterwards for the city of Edinburgh, and heir general of the earls of Glencairn, which title he unsuccessfully claimed in 1796.

— Drowned, off Bona, near Tunis, aged 26, the hon. Graham Hay St. Vincent de Ros Kinnaird, lieut. R.N., commanding her Majesty's brig *Rapid*; brother to Lord Kinnaird. This very promising young officer had, under circumstances of considerable difficulty and danger, saved the lives of all his crew, when his ship was stranded on the coast of Tunis; and was unfortunately drowned by his boat upsetting in a heavy surf, when taking measures for getting her again on float.

15. At his house in Edinburgh, after a lingering and painful illness, aged 60, sir Reginald Macdonald Steuart Seton, of Staffa, bart. Sir Reginald was well known to the public as the secretary, for many years, of the Highland and Agricultural Society of Scotland, and as the sheriff of Stirlingshire. At the early age of twenty-one he was elected, and for thirty-nine successive years continued to be, ruling elder for the presbytery of Mull to the General Assembly. Sir Walter Scott, who knew and enjoyed his friendship, once wrote (and his acquaintances all acknowledged it to be true)—

"Warmer heart, 'twixt this and Staffa,  
Beats not than in heart of Staffa!"

15. At Buckingham Palace, Mrs. Louisa Louis, a native of Erbach, in Germany. She was (from 1805 to the



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death of the princess in 1817), the devoted servant of the princess Charlotte of Wales, by whom she was loved with filial affection. After the death of the princess, Mrs. Louis continued to reside at Claremont. Her present Majesty, from earliest infancy, was likewise most affectionately attached to her; and she was an inmate wherever her Majesty resided.

17. In Great Russell-street, in his 53rd year, lieut-col. Edmund Browne, unattached.

18. At the Abbey-house, Malvern, colonel John Hicks, C.B., late of the 32nd foot.

19. At West Looe, suddenly, retired commander, P. Prynn, R.N.

20. At Brighton, aged 77, the right hon. Henrietta, countess dowager of Warwick.

21. In Park-lane, aged 57, Lady Emily Montagu, sister to the duke of Manchester, and housekeeper of the royal palace at Hampton Court.

23. In Belgrave-square, aged 33, Jane, wife of Francis Baring, esq., secretary to the Treasury, and niece to earl Grey.

24. At his residence, the Pavilion, Hampton Court Palace, in his 78th year, lieut.-general James Moore, K.C.

26. At Florence (where he had some years resided,) in his 70th year, the rev. Kenneth Courtenay, D.D. He was the son of the late John Courtenay, esq., surveyor-general of the ordnance under the marquis Townsend in 1783, and, for his sallies of wit in debating, generally known by the name of facetious Courtenay.

30. Aged 55, Charles Thomas Talbot, esq. late lieutenant-colonel in the Scots Fusileer Guards, cousin to the earl of Shrewsbury.

*Lately.* Aged 68, Lady Maria Cotes, sister to the earl of Stamford.

*Lately.* Thomas Burke, esq. son of major and Lady Matilda Burke, and nephew to the earl of Howth. His funeral in the burial ground of Tuam cathedral on the 8th of May was the occasion of a riot, in consequence of its having been rumoured that he had died a Roman Catholic.

At Newbridge Mills, Judith M'Guirk, in her 109th year. For the last few years she was confined to her bed, but could, to within a short time of her death, discourse on any subject she had ever known: and her sight was up to the

last hour so good that she could sew without glasses.

*Lately.* At Cheltenham, Robert O'Brien, esq., a retired rear-admiral, uncle to sir Lucius O'Brien, bart., of Drumoland, co. Clare.

*Lately.* At Dublin, aged 82, Mr. Andrew Ashe, the celebrated performer on the flute.

*Lately.* Aged 74, Sir Thomas Le Breton, knt., bailli of Jersey. He was born in Jersey, 1763, and was descended from an ancient family in that island, originally derived from Britany. In 1799 he was admitted to the bar of the royal court of Jersey. In 1802 he was promoted to the office of attorney-general, which he continued to hold until in 1816 he was appointed lieutenant-bailli, under the late lord Carteret; on whose decease, in 1826, he was made bailli of Jersey, by royal letters patent. Sir Thomas Le Breton received the honour of knighthood on the 20th of April in the preceding year.

*Lately.* At Manchester, aged 89, Ellen Brierley. Her husband, Nathaniel, died about eleven years ago, in his 80th year. They had been married 60 years, and claimed to be progenitors of a number of individuals large enough to people a whole hamlet. They had 22 children, 74 grand-children, 69 great grand-children, and 5 great-great-grand children; making together 172 souls.

## MAY.

1. Aged 94, the rev. Francis Barnes, D.D., for fifty years master of St. Peter's College, Cambridge. He was educated at Eton, and was thence elected to King's College, Cambridge. In 1780 he was Taxor of the university, and in 1788 he was elected master of Peterhouse. He also held the professorship of casuistry, to which he was elected in 1813.

2. Aged 71, sir Digby Mackworth, the third bart. (1776) of Gnoll Castle, co. Glamorgan.

4. At Seymour Villa, near capt. James Barker, R.N.

5. At Boulogne-sur-mer, wife of Francis Drake, to sir Digby Mackworth.

5. At Stutton, 75, rear-admiral V

6. At Marlborough, visit a sick f



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M.D., of Holles-street, Cavendish-sq. His benevolence was great, and nearly 100 persons lost in him a constant benefactor. He lately gave 300*l.* to the North London Hospital, and 100*l.* to establish an infirmary for spinal diseases, in which he had himself performed some extraordinary cures.

10. At Hobart's Town, Van Dieman's Land, aged 19, ensign Cecil Augustus Paget, 51st light infantry, second son of the right hon. sir Arthur Paget, G.C.B.

26. At Rugby, aged 72, the rev. Philip Bracebridge Homer, B.D., Fellow on the Rugby School Foundation. At a very early age he was distinguished for his classical attainments, and Latin compositions in prose and verse at Rugby school, where, being elected an exhibitioner, he proceeded to Oxford, and at length obtained a Demyship at Magdalen College. While at the university, he contributed to the periodical work entitled "*Olla Podrida*," in 1787; with bishop Horne, the president, and other men of talent, and in 1789 published the *Anthologia*. Having taken a degree, he came to Rugby, and was appointed one of the assistant-masters, which situation he held nearly forty years. In 1790 he edited those Latin classics which Mr. Henry Homer, his eldest brother, had left incomplete. In 1825 he published an Introduction to the Greek Tongue, with English notes, and in 1827 a concise view of the Evidences of the Christian Religion, in question and answer, with a brief outline of the History of the Jewish Nation, adapted to the use of schools. He left a Hebrew Lexicon perfectly ready for the press, in which the English word stands before the Hebrew, a collocation which he considered an improvement on former Hebrew Lexicons.

11. In London, in his 80th year, Thomas Andrew Knight, esq., F.R.S., of Downton Castle, in Herefordshire, the president of the Horticultural Society of London. He was the youngest son of the rev. Thomas Knight, a clergyman of the church of England. When but three years old, he lost his father, and his education was, in consequence, so much neglected, that at the age of nine years he was unable to write, and scarcely able to read. It was in these idle days of his childhood, when he could derive no assistance from books, that his active mind was first directed to the

contemplation of the phenomena of vegetable life. It was about the year 1795 that Mr. Knight began to be publicly known as a vegetable physiologist. In that year he laid before the Royal Society his celebrated paper upon the inheritance of disease among fruit trees, and the propagation of debility by grafting. This was succeeded by accounts of experimental researches into vegetable fecundation, the ascent and descent of sap in trees, the phenomena of germination, the influence of light upon leaves, and a great variety of similar subjects. In all these researches, the originality of the experiments and the care with which the results were given, were very remarkable. The great object which Mr. Knight set before himself, and which he pursued through his long life with undeviating steadiness of purpose, was utility. For this reason, to improve the races of domesticated plants, to establish important points of cultivation upon sound physiological reasoning, to increase the amount of food which may be procured from a given space of land, are more especially the topics of the numerous papers communicated by him to various societies, especially the Horticultural, in the chair of which he succeeded his friend sir Joseph Banks. The extraordinary improvement which has taken place in the art of horticulture during the last twenty years, is unquestionably traceable to the practice and writings of Mr. Knight. Of domesticated fruits or culinary vegetables, there is not a race that has not been ameliorated under his direction, or immediate and personal superintendence; and if henceforward the English yeoman can command the garden luxuries that were once confined to the great and wealthy, it is to him far more than to any other person, that the gratitude of the country is due.

12. At the Parsonage House, Windsor, New South Wales, aged 73, the rev. Samuel Marsden, of Paramatta, senior chaplain to the colony of New South Wales, founder of the New Zealand mission, and some time director of the London Missionary Society's operations in the South Sea Islands.

13. In Clarges-street, Piccadilly, after a long and severe illness, aged 70, Zachary Macauley, esq., F.R.S., &c. For more than forty years the deceased dedicated his talents and energies, in conjunction with the late Mr. Wilberforce,

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Mr. Stephens, Mr. Buxton, and other distinguished philanthropists, to the question of Slavery Abolition, and, like Mr. Wilberforce, lived to see his efforts crowned with success.

13. At Paris, aged 35, the hon. Frances Sophia Stafford Jerningham, daughter of the right hon. lord Stafford.

14. In Regent-street, in his 70th year, James Halse, esq., M.P. for St. Ives, and a magistrate for Cornwall. This gentleman was one of the most enterprising and successful adventurers in mines of the present day.

— At Ballyclough House, county of Cork, aged 68, major-general Henry Green Barry.

17. At his hotel, in the rue de Florentin, at Paris, in his 84th year, Prince Talleyrand. Charles Maurice de Talleyrand Perigord was born at Paris, in 1754. He was descended from one of the oldest and most illustrious houses of France, which, during the middle ages, were lords of the district of Quercy; and, at an early age, as a younger brother, was destined for the church. His ecclesiastical education, was formed at the seminary of St. Sulpice, and his talents for public business were already so strongly developed, that in 1780 he was named agent-general for the clergy. In 1788 he was consecrated bishop of Autun, and the year after was elected deputy of the clergy of his diocese to the States-General. At that momentous period Mirabeau perceived the extent of his abilities, and signalized him as one of the most powerful and versatile of the men of genius who then abounded in Europe. He proposed several important measures to the States, among others the suppression of tithes, and the appropriation of the property of the clergy to the wants of the public treasury. In 1790 he was named president, and in the same year officiated at the altar in the Champ de Mars on the day of the National Federation. He subsequently consecrated the first constitutional bishops, and for this was excommunicated by Pope Pius VI. His resignation of the bishopric of Autun, and his election as a member of the directory for the department of Paris, followed soon after. He was left by Mirabeau as one of his executors, and in 1792 was sent into England on a secret mission, together with M. Chauvelin, the ambassador. The English administration under Mr. Pitt, after fa-

vourably receiving the French envoys, subsequently ordered them to leave the country within twenty-four hours. M. de Talleyrand returned to Paris, the day after the 10th of August, and was indebted to Danton for a narrow escape from assassination. He then left France for the United States, and remained there, engaged, it is said, in commercial speculations till 1796, when he was recalled by a decree of the Convention. In 1797, after the 18th Fructidor, he was appointed minister of foreign affairs, and supported, with the most imperturbable *sang froid*, the attacks made against him by all parties. Two years afterwards the 18th Brumaire occurred. Napoleon became first consul, and M. de Talleyrand continued as foreign minister. In 1802, a brief from Pius VII. released the ex-bishop of Autun from his ecclesiastical ties, and he shortly after married Madame Grandt, of Hamburgh. The rivalry of Fouché and M. de Talleyrand then followed, and to the ultimate advantage of the latter, who, on Napoleon becoming emperor in 1806, was elevated to the rank of prince of Benevento, and grand chamberlain of the empire. The next year he was succeeded as minister by M. de Champagny duke de Cadore, and was named vice-grand elector; but from this period his alienation from Napoleon may be dated; he disapproved of the emperor's aggressions in Spain; and, in 1814, was appointed president of the provisional government of France, until the arrival of the Comte d'Artois. He was French commissioner at the congress of Vienna, and, on the final return of Louis XVIII., in 1815, he resumed the portfolio of foreign affairs as president of the council, but resigned before the end of the year, from his disapprobation of the tendencies of the government. From this period he remained near the person of the sovereign in virtue of his title as chamberlain, and ultimately became the leader of the opposition in the chamber of peers. The revolution of 1830 found him, though advanced to a venerable age, not too old for the service of his country, and he proceeded to London as ambassador, where he remained till 1835. After this time the prince has rested under the shadow of his diplomatic laurels. The first symptoms of the complaint which carried Prince Talleyrand off, appeared six days before his death, when he was seized

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with a shivering fit, attended by repeated vomitings. He underwent an operation at the lower part of the loins with great fortitude. He was perfectly aware of his danger. Having asked his medical men if they thought they could cure him, they rightly estimated his strength of mind, and told him at once that he ought to put his affairs in order, that he might have nothing to do but to attend to his health. It is said, that he had for some time written and addressed to the Pope a retraction of the part which he took in the constitutional mass celebrated on the day of the Federation in the Champ de Mars; and this, with a copy, was inclosed by him to the archbishop of Paris, who, however, it would appear, did not visit the prince. King Louis Philippe and Madame Adelaide went to see him, and, on their arrival being announced to the dying courtier, he said, "This is the greatest honour my house ever received." The prince received the sacrament of extreme unction from the hands of the Abbe Dupanloup just before he expired. Thus, after a long and eventful life, died Prince Talleyrand, in the full possession of all those wonderful faculties with which he was endowed, and which had been called into exercise under circumstances more extraordinary than, perhaps, have fallen to the lot of any human being to encounter. We have elsewhere given an account of the funeral, which took place on the 22nd, at the church of the Assumption. At the end of his will, which we have also given elsewhere, there is a declaration, written by himself, in which he exposes the political principles which guided his conduct under the different governments which succeeded since 1789. This declaration, as well as the will, is dated in 1836. There is also the most complete prohibition made to his heirs from publishing his memoirs, which are, it is said, deposited in England, before the lapse of thirty years from the day of his death, and he orders them to disavow all which may be published in his name before the expiration of that period. He expresses a desire to be buried at Valengay, and concludes his testament with a declaration that he dies in the Roman Catholic faith. Prince Talleyrand was invested with most of the principal orders of Europe. He was a member of the Académie des Inscriptions et Belles Lettres, and the Académie des Sciences Morales et Politiques.

18. At O'Dienne's hotel, Dublin, after an illness of thirteen days, produced by a severe cold, aged 63, the most hon. James Butler, first marquis of Ormonde (1825), nineteenth earl of Ormonde (1327), eleventh earl of Ossory (1527), tenth viscount Thurles, county Tipperary (1535), all titles of the kingdom of Ireland; first baron Ormonde, of Llanthony, county of Monmouth, in the peerage of the United Kingdom (1821); a knight of St. Patrick; hereditary chief butler of Ireland; vice-admiral of Leinster, lord-lieutenant and custos-rotularum of the county of Kilkenny.

— Drowned by the swamping of a boat, with captain Blenkinsopp and two men, sir John William Jeffcott, the judge of the new colony of South Australia. He was a M.A. of Trinity college, Dublin; was called to the bar at the Middle Temple, 1826; and knighted 1833, on being appointed chief justice at Sierra Leone. Just before his departure from England, his name was brought before the public in a melancholy way, having been challenged to a duel by Dr. Hennis, of Exeter, who fell in the contest.

18. At Manheim, William Paterson, esq., captain R.N. and C.B.

19. Aged 69, Capt. Wm. Standway Parkinson, R.N., of Nutford-place, Edgware-road. This officer is said to have been "one of the earliest followers of Nelson."

— At Stourhead, in his 80th year sir Richard Colt Hoare, bart., F.R.S. F.S.A., F.L.S., the historian of Wiltshire. Sir Richard was born on the 9th of December, 1758, the eldest son of sir Richard Hoare, the first baronet. In his youth he was initiated in the business of the family bank, till his grandfather removed him from it, and gave up to him, during his lifetime, all his landed property. An early habit of application to business induced him to have recourse to the pen and pencil, with what diligence and success, the account of his publications sufficiently shew. In 1783, he married the hon. Hester Lyttelton, eldest daughter of William-Henry Lord Lyttelton. She died in 1785, leaving issue one son. To alleviate his grief for her loss, he resolved to travel. His first work, published in 1818, was entitled "A Classical Tour through Italy and Sicily, tending to illustrate some districts which have not been described by Mr. Kue-

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tace, in his *Classical Tour*." This was followed by the account of some excursions in Wales, given under the form of a new edition of the ancient journey of Giraldus Cambrensis. He afterwards visited Ireland, and published an account of his tour through that country, then but seldom visited. His next and grandest object was the history of his own county, in which those remarkable relics of British antiquity were situated, Abury and Stonehenge, and, in 1821, he completed two folio volumes of the *History of Ancient Wiltshire*. The first volume of this splendid work is confined to south Wiltshire, and to British antiquities. The second commences with north Wiltshire; of which part i. is confined to the British era, and part ii. is allotted to the Roman period; and an accurate survey is taken of all the Roman roads and tessellated pavements in the county. The *Modern History of Wiltshire* was not completed to the extent at first contemplated by its author. Notwithstanding his own exertions and example, he was at length, for want of coadjutors, obliged to confine his views to the *History of South Wilts*. His latest wish, to see that work completed, was nearly gratified. Besides various communications to the *Society of Antiquaries*, and to the *Gentleman's Magazine*, sir Richard Hoare printed several works for private distribution only. The greater part of these consist of antiquarian notices and researches connected with his own county.

19. At his residence at Thames Ditton, lieut.-general sir Thomas Brown, K.C.B., of the East India Company's Bengal establishment.

This officer entered the company's service as an ensign of infantry in Sept. 1779, and served with distinction in India from that period to the year 1822. His services were rewarded by the repeated public acknowledgement both of the government and the Commander-in-chief, and finally by a knight commandership of the Bath.

— At his house in St. James's-square, Bristol, in his 75th year, the rev. Thomas Tregenna Biddulph, M.A. the perpetual curate of St. James's Church in that city.

He was matriculated at Queen's college, Oxford in 1780, was admitted to deacon's orders, in 1785, and was ordained priest by Dr. Barrington, bishop of Salisbury, May 18, 1788; so that the

term of his ministry, from his admission to full orders, was exactly half a century. Thirty eight years of this period were spent in the incumbency of St. James's Bristol, where as a preacher he obtained a very high reputation, and extensive influence. His sincere piety and ardent zeal made him the instrument of much good, and obtained for him in a more than common degree the love and gratitude of his fellow citizens.

His writings were for the most part either doctrinal and practical, or else of a polemical nature. Among the former class are his *Essays on the Liturgy* (first published in 1798). Among his controversial writings, his answer to Dr. Mant, on the subject of baptismal regeneration 1816, his "*Defence of Evangelical Preaching*," against *Warner*,—and his "*Search after Truth in its own Field*," are the most prominent.

A long series of letters in the *Christian Guardian* of 1819-20, under the signature of *Physico-Theologus*, in which the Hutchinsonian system of philosophy is explained and defended, came from his pen, as also a work on the *Theology of the early Patriarchs*, 2 vols. 8vo. *Lectures on the Holy Spirit*, and on the 51st. Psalm, several single sermons, a tract on the *Inconsistency of Conformity to the World*, and numerous others written for the Church of England Tract Society, (of which institution he was one of the chief promoters.

Mr. Biddulph's funeral took place on the 29th of May. It was attended by more than seventy clergy of the city and neighbourhood, by the mayor and high sheriff, and a vast concourse of the most respectable inhabitants.

20. At Paris, sir John Archibald Drummond Stewart, of Grantulley and Logiealmond, co. Perth, the 6th bart.

— At his lodgings in Somerset-street Portman-square, aged 52, sir John Strutt Peyton, knt. Capt. R.N. and K.C.H.

— Aged 69, retired rear-admiral Cornelius Quinton.

21. In Whitehall-yard, in his 70th year, sir Joseph Copley, the third bart., (1778) of Sprotborough, co. York.

22. Aged 38, Joseph Foster Barham, esq., of Queen Ann-street, Stockbridge-house, Hants, and Tricwm, Pembrokeshire; son of the late J. F. Barham, esq., M.P. for Stockbridge, and lady Caroline Tufton, sister to the present earl of Thanet.

23. Aged 70, William Armstrong,

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esq., of Pimlico, fifty-four years in his majesty George the 3rd's. library, and late of the British Museum.

24. At Bath, Sophia, wife of sir H. M. Mainwaring, bart., of Peover-hall, Cheshire, and sister to the viscount Combermere.

25. At Linwood, aged 23, Margaret Barr, a remarkable specimen of the human form in miniature. She stood thirty inches in height, and (with the exception of the head, which was rather large) her frame was not out of proportion. No reason can be assigned for her stunted growth. Her mind had the imbecility of a weakly child of two years, and in her last illness she had the feeble appearance of extreme old age.

27. At Brighton, the right hon. Margaret Countess dowager Poulett.

— At Sturminster, aged 85, captain Thomas Moore, late of the E. I. S. He was nearly the last surviving officer of the army which conducted the war against Tippoo Saib. He distinguished himself in many engagements, and was once captured, and incarcerated for three years and six months in one of Tippoo's dungeons. Till within a very short period, he had actively joined in field-sports.

— In Grosvenor-square aged 66, the right hon. Susan Countess of Harrowby.

— In Grosvenor-street, the right hon. Sarah countess Amherst and countess Dowager of Plymouth.

28. At Pentonville, Thomas Busby, esq., Mus. Doc., Author of a translation of Lucretius, a History of Music, the Prophecy, a sacred Oratorio, and other literary and musical works.

31. At Toronto, Upper Canada, Henry Tyrwhitt, esq., barrister-at-law of the Inner-temple.

## JUNE.

2. In Bethlehem-hospital, Jonathan Martin, the man who set fire to Yorkminster, on the 2nd. Feb. 1829. His death was sudden, caused by a disease of the heart. For the last two or three years he had been very quiet in his demeanor, and spent a great portion of his time in reading Fox's Book of Martyrs, to which he was particularly partial. He was a native of Hexham, and brother to John Martin, so celebrated for his magnificent pictorial creations. Jonathan was between fifty and sixty years of age.

— At sea, on his passage to India, sir Robert David Colquhoun, of Tillyquhoun, co. Dumbarton, bart. (1602), brevet major in the hon. East India Company's Bengal Military Service.

3. At Cheltenham, aged 61, the right hon. Francis Isabella, dowager lady Southampton.

4. Colonel Alexander Hamilton, late of the 30th regiment.

5. At Woodstown, co. Dublin, aged 71, the right hon. Henry Joy, chief baron of her majesty's exchequer in Ireland, and a privy councillor of that kingdom.

8. In Cavendish-square, after a lingering illness, aged 53, Edmund Pollexfen Bastard, esq., of Kitley, Devonshire, formerly M.P. for that county.

— At his residence in Bishopsgate-street, aged 73, William Mellish, esq., of Bush-hill Park, Edmonton, formerly M.P. for Middlesex.

11. At Hampton court, aged 67, Charles Chester, esq., of Chicley, Bucks, cousin to Lord Bagot, and brother to the countess dowager of Liverpool.

12. In New Brunswick, aged 87, gen. John Coffin.

— At the Old Hummums, Covent-garden, from apoplexy, Richard Pering, esq., of Exmouth, formerly clerk of the cheque at Sheerness and Plymouth, an active magistrate of the county of Devon. He possessed considerable literary and scientific acquirements, and obtained several patents for valuable inventions, particularly that of the improved anchor known by his name, which is used in every ship in her Majesty's navy, and has been the means of saving many lives, and property to a great extent.

17. At his house near Hampton, aged 37, Mr. William Clarke, the author of "Three Courses and a Dessert," the "Boy's Own Book," and other volumes that have acquired great popularity. He was the editor and chief contributor to a curious little work, called "The Cigar," which contains numerous papers from his pen. He also edited, for some time, the Monthly Magazine. During the last three or four years his time was exclusively devoted to the production of a most elaborate work on natural history. Mr. Clarke died suddenly of an apoplectic attack.

18. At Munich, aged 78, the Bavarian minister of state, count Maximilian



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de Montgelas. He acted a conspicuous part in the affairs of Bavaria, between 1779 and 1817.

20. At his residence, Axwell Park, county Durham, aged 76, Charles John Clavering, esq.

22. At his seat, Longnor Hall, Shropshire, aged 79, the venerable Joseph Corbett, M.A., archdeacon of Salop, in the diocese of Hereford.

23. On Carlton-House-terrace, aged 73, the most hon. Georgiana Charlotte, dowager marchioness Cholmondeley, joint hereditary great chamberlain of England. Her ladyship was the younger daughter and eventually co-heir of Peregrine third duke of Ancaster, by Mary, daughter of Thomas Panton, esq.; was married in 1791 to George James, first marquess Cholmondeley, and left his widow in 1827, having had issue the present marquess, lord William Henry Cholmondeley, and one daughter, now deceased, who was married to col. Hugh Seymour. In right of her ladyship, her husband, in the reign of George the Third, and her son in that of William the Fourth, held the office of deputy lord great chamberlain of England.

26. At Hatchlands, near Guilford, aged 77, George Holme Sumner, esq., late M.P. for Surrey, and for 45 years a magistrate for that county.

27. Capt. George Robinson, R.N. He was paternally a descendant of the Robinsons, of Rokeby, in Yorkshire, and his maternal ancestors were the Arnotts, of Arnott, in Fifeshire. At a very early period of Capt. Robinson's career, he displayed an intrepidity of mind and contempt of personal danger, which could not have been surpassed, and to which he was indebted for every step in his promotion. During a period of thirty-two years his life was devoted to his country, and he served it under lords Rodney and Hood, in seven general engagements, and in three single actions, the last of which was in the Thames frigate, 1793, which, after a hard-fought battle, was captured by four French frigates, and taken into Brest. On this occasion Capt. R. lost his leg and thigh, the knee of the remaining limb being so severely injured as to render it for many years unavailing. He was detained in France as a prisoner of war for two years, enduring every species of indignity and cruelty which the malice of an ungenerous enemy could suggest. During the "reign of terror," he was

under sentence of death for several months; in which period he always laid his uniform under his head, on his bed of straw, that he might, even in death, display the colours which he had so nobly defended. To the latest period of his life he suffered acutely from the unskilful amputation of his limb, performed in the heat of action, himself being the only assistant under the operation.

28. In Connaught-terrace, aged 60, Major-gen. sir George Matthias Cox, bart., of the Bombay army.

29. At Fraserburgh, Aberdeenshire, the right rev. Alexander Jolly, D.D. bishop of Moray, in the 83rd year of his age, and 42nd of his episcopate. The reputation of bishop Jolly for profound and varied learning extended far beyond the limits of the church, of which he was a distinguished ornament. He had devoted a long life to the studies of his profession; the whole range of theology was open to him, but the Scriptures, in their original languages, and the writings of the fathers, were his familiar food; these he had thoroughly digested. The result is partly exhibited in his valuable work on the Eucharist, published in 1831, of which one of the most learned divines of the age remarked, that "it reminded him so forcibly of the writings of the ancient Fathers, that he could often have imagined that they were still speaking." In 1826 he published a "Friendly Address to the Episcopalians of Scotland, on Baptismal Regeneration," and in 1828, "Observations on the several Sunday Services throughout the year:" a most admirable and useful manual. The bishop was himself a living example of the intrinsic beauty and attractiveness of religion, as it may be developed through the church system. The evening before his death, he was perusing the treatise of Christopher Sutton, "Disce mori; learn to die." It was an art which the good man had been learning all his life long, and he had so learned it, that the "last enemy" had no terrors for him. Feeling himself much better than usual, after being assisted to bed between nine and ten o'clock, he insisted on being left alone for the night, directing his attendant to return next morning at seven. In the morning he was found not only dead but actually laid out for burial. He had closed his eyes, with his own hand, had drawn a napkin over his face, and folded



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his arms over his breast in the form of a cross, to show the faith in which he died. Thus closed a life marked by a simplicity, piety, and self-denial, worthy of the purest ages of the church. By a late arrangement of the Episcopal College, the see of Moray, founded in the 12th century, exists no longer.

— On the day after the coronation, after riding that day in the procession, in his 63rd year, Mr. William Lee, high constable of Westminster. He was the author of a volume of poetry.

*Lately.* In the Union Hospital, Nottingham, aged 93, Mrs. Sarah Boswell. She was married to the great Boswell, king of the gypsies, 72 years since. He died at the gipsy camp, at Eastwood park, in 1835, and was interred in Eastwood church-yard.

*Lately.* Aged 78, sir Charles Harcourt Palmer, bart., of Dorney-court, Buckinghamshire. One of the oldest titles of the baronetage has become extinct by the death of this gentleman.

*Lately.* John George Wood, esq., F.S.A., an artist of considerable talent, and a lecturer on perspective and the art of drawing.

## JULY.

1. In the close, Lichfield, aged 76, the rev. John Newling, B.D. canon residentiary of the cathedral church of Lichfield, rector of Ditchingham, Norfolk, and chaplain to viscount Sydney. Mr. Newling shewed an early taste for heraldry, and in this study his research was so great, and carried on with such ardour and perseverance, that he was justly considered the first amateur herald in the kingdom. His collection of heraldic and genealogical books and manuscripts, was considered to be the finest belonging to any private individual in England.

3. At his house in Brighton, aged 83, Samuel Thornton, esq., F.S.A., late of Clapham Park, Surrey, and M.P., for that county. He was the eldest son of the celebrated John Thornton, esq., of Clapham, and was an active member of parliament during nearly forty years, the greater portion of that time (from 1784 to 1806), for the town of Kingston-upon-Hull, and subsequently for the county of Surrey, from 1807 to 1818. For the extraordinary period of fifty-three years he was a director of the Bank of England, and was governor of

that institution in the year 1797, when the famous stoppage of cash payments occurred.

3. In the Fleet-prison, after many years' confinement, aged 73, Mr. Howard, lately of the well-known firm of Howard and Gibbs, annuity and money agents. He was for many years a hair dresser in the High-street, Oxford. For some years he lived in great style in London, and at one time had accumulated a large property.

6. At St. Andrew's Jamaica, aged 83, Alexander Aikman, esq., proprietor of Birnam Wood, and Wallenford in St. George's parish, and printer of the Jamaica Royal Gazette.

7. At Dover, the lady Sarah, wife of the hon. C.B.C. Wandesforde, aunt to the marquess of Ormonde, sister to the earl of Carrick.

9. At Dapoorie, in his 53rd. year, the right hon. sir Robert Grant, G.C.H. governor of Bombay.

He was the brother of lord Glenelg, being the second son of Charles Grant, esq., for many years M.P. for Inverness-shire. Mr. Robert Grant, as well as his brother lord Glenelg, was a member of Magdalene College, in the University of Cambridge, of which they both became fellows. He was called to the bar at Lincoln's-inn, Jan. 30, 1807. He published in 1813 a pamphlet, entitled, "The Expediency maintained of continuing the system by which the trade and government of India are now regulated," 8vo.; and also "A Sketch of the History of the East India Company from its first foundation to the passing of the Regulation Act of 1773," 8vo. In 1826, he was returned to parliament for the Inverness district of burghs. In 1830 he was elected for Norwich, and again in 1831. When his brother became president of the Board of Control, he was appointed one of the commissioners; in 1831 he was sworn a privy councillor, and in 1832 appointed judge advocate general. At the first election for the new borough of Finsbury in 1831, he was returned as one of its members, by a very large majority. In June 1834, sir Robert Grant was appointed governor of Bombay. He left the presidency in good health for the hills, on the 19th June 1838. Having imprudently ridden out during a heavy fall of rain, he was attacked by fever and sunk under its effects.

10. In London, aged nearly 63, the

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most noble George William Frederick Osborne, sixth duke of Leeds (1694), a knight of the garter; a privy councillor lord-lieutenant of the North Riding of York, governor of the island of Scilly, ranger of Richmond Forest, constable of Middleham-castle, &c. &c.

11. In Drury-lane, aged 53, Mr. James Broad, furnishing coach-iron-monger, a member of the Numismatic Society, and a man of infinite taste as a collector of Greek and Roman coins.

*Lately.* Roland O'More, younger brother of G. O'More, of Cloghen-castle, deputy-lieutenant for the King's county. When his body was taken for interment to the venerable ruins of Meek Abbey, the bearers were obstructed at the entrance to the cemetery by one of the Friars named Reynolds, who rushed upon the clergyman, and took the prayer-book out of his hands, declaring that no Protestant prayers should be read there, but was obliged to retreat.

— Aged 22, Peter Townshend de Blaquiere, esq., nephew of lord de Blaquiere, a prisoner in the Marshalsea, Mullingar.

12. At his house in George-street, Edinburgh, aged 80, the rev. John Jamieson, D.D. F.R.S. Edinburgh, and F.S.A. Sc. This gentleman was formerly minister to a congregation of Seceders from the church of Scotland, at Forfar, where he resided for many years; but for the last forty-three years he officiated in a church of the same persuasion at Edinburgh. He first came forward as an author in 1789, in "The Sorrows of Slavery, a Poem containing a faithful statement of Facts, respecting the Slave-trade." His only other poetical work is "Eternity, a Poem, addressed to Freethinkers and Philosophical Christians," 1798. He published several theological works, some sermons, an Etymological Dictionary of the Scottish Language, in two volumes 4to. 1808, 1809, an Historical Account of the Ancient Culdees of Iona, 1811, "Hermes Scythicus, or the radical affinities of the Greek and Latin languages to the Gothic," 8vo. 1814; and in 1818 "A Grammar of Rhetoric and Polite Literature." In 1817 he contributed to the Edinburgh Philosophical Transactions, a paper "On the origin of Cremation, or Burning of the Dead."

14. At the College of Arms, in his

82nd year, sir Ralph Bigland, knt., Garter Principal King of Arms. His original name was Jones, and he was, by his mother's side, nephew of Ralph Bigland, esq., Garter, who died 1769; out of respect to this uncle, he assumed the name of Bigland. He was appointed Rouge Dragon Pursuivant by patent, 1774; Richmond Herald, 1780; Norroy King of Arms, 1803; Clarendon, 1822; and Garter, 1831.

15. At Exeter, aged 69, retired rear-admiral John Winne.

17. At his house, Catherine-place, Bath, aged 70, John Harvey Thursby, esq., of Abington House, Northamptonshire.

19. In Paris, sir George William Leeds, of Croxton Park, co. Cambridge, bart., equerry to H.R.H. the Duke of Sussex.

20. At East-lodge, Enfield, aged 80, sir Pulteney Malcolm, admiral of the blue, G.C.B. and G.C.M.G. The grandfather of sir Pulteney Malcolm was a Scottish minister of learning and respectability, who, having a large family and inadequate means, provided for his sons, including the father of sir Pulteney, by establishing them on farms, as is usual in Scotland. The success in their various paths which many of Mr. Robert Malcolm's sons attained, is worthy of notice. Of the seven who came to man's estate, Robert, the eldest, who died a few years ago, was high in the civil service of the East India Company. The three next in succession, James, Pulteney, and John, were honoured with the insignia of Knights Commanders of the Bath at the same time; the former for his distinguished services in Spain and North America, when commanding a battalion of royal marines; and sir John (who was afterwards G.C.B.) for his military and diplomatic services in India. The younger sons were Gilbert, rector of Todenham, in Gloucestershire; David, in a commercial house in India; and sir Charles Malcolm, now post-captain, R.N. Pulteney entered the navy Oct. 20, 1778, as a midshipman, on board the Sybil frigate, commanded by his maternal uncle, captain Pauley. At the commencement of the French revolutionary war, we find him serving as first lieutenant of the Penelope, of 32 guns, at Jamaica. In that ship he assisted at the capture of the Inconstante frigate and Gaelon corvette, both of which

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lieutenant Malcolm conducted to Port Royal in safety. He also commanded the boats of the *Penelope* in several severe conflicts, and succeeded in cutting out many vessels from the ports of St. Domingo. Captain Malcolm was advanced to post rank, by commission dated Oct. 22, 1794; and on the 14th of the following month appointed to the *Fox* frigate. In January 1804, we find him commanding the *Royal Sovereign*, a three-decker, in which ship he proceeded to the Mediterranean; and on his arrival, removed into the *Kent*, of 74 guns, attached to the fleet under lord Nelson. In March 1805, captain Malcolm was appointed to the *Donegal*, the command of which he retained during the period of six years. In that ship he accompanied his gallant chief in the memorable pursuit of the combined squadrons of France and Spain to the West Indies; and on his return from thence to the channel, was sent, under sir Robert Calder to reinforce vice-admiral Collingwood off Cadiz. On the 17th October, 1805, four days previous to the decisive battle of Trafalgar, the *Donegal* being short of water, and greatly in need of a refit, was ordered to Gibraltar. On the 20th, captain Malcolm received information that the enemy's fleets were quitting Cadiz. His ship was then in the Mole nearly dismantled; but by the greatest exertions, he succeeded in getting her out before night, and on the 23rd joined vice-admiral Collingwood in time to capture *El Rayo*, a Spanish three-decker, forming part of the division under admiral Gravina. Captain Malcolm in the *Donegal* accompanied sir John Duckworth to the West Indies, where he took a part in the battle fought off St. Domingo, February 6, 1806. On his return to England, captain Malcolm was honoured with a gold medal for his conduct in this action, and, in common with the other officers of the squadron, received the thanks of both Houses of Parliament. He was also presented by the committee of the patriotic fund, with a vase, valued at one hundred pounds. In the summer of 1808, captain Malcolm escorted the army under sir Arthur Wellesley from Cork to Portugal. The *Donegal* was subsequently attached to the channel fleet, at that time commanded by lord Gambier, and after the memorable discomfiture of the French ships in Aix Roads, April 11 and 12,

1809, captain Malcolm was entrusted with the command of a squadron sent on a cruise, during which, however, nothing particular occurred. We next find him commanding the blockade of Cherbourg, on which station the ships under his orders captured a number of privateers, and on one occasion drove two frigates on shore near Cape La Hogue. In 1812, he removed into the *San Josef*, 110 guns, as captain of the channel fleet, under lord Keith, which honourable post he held until June 1, 1814; when he hoisted his flag in the *Royal Oak*, and proceeded with a body of troops under brigadier-general Ross, from Bordeaux to North America. Soon after his arrival he accompanied sir Alexander Cochrane on an expedition up the Chesapeake, and regulated the collection, embarkation, and re-embarkation of the troops, &c., employed against Washington, Baltimore, and New Orleans, a service requiring indefatigable efforts. He was afterwards employed at the siege of Fort Boyer, on Mobile Point, the surrender of which by capitulation on the 14th February, terminated the war between Great Britain and the United States of America. Hostilities against France having been renewed, in consequence of the return of Buonaparte from Elba, sir Pulteney was appointed commander-in-chief of the naval force ordered to co-operate with the Duke of Wellington and the allied armies, on which service he continued until after the final restoration of the Bourbons. His last appointment was to the important office of commander-in-chief on the St. Helena station, where he continued from the spring of 1816 until towards the end of the following year. Here by the cordiality of his disposition and manners, he not only obtained the confidence, but won the affections of the great Napoleon, then a prisoner in the island, who in his last moments acknowledged his generosity and benevolence. Sir Pulteney Malcolm was raised to the rank of rear-admiral in 1813; to that of vice-admiral, in 1821; and to the full rank of Admiral in 1837. He received the grand cross of the Bath in 1833.

21. At Exeter, aged 62, Mr. John Rippon, well known in the ancient fraternity of Freemasonry, of which he became a member (in a lodge attached to the Devon militia) in 1804. He served every office in that and other

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lodges, for twenty years, and was a masonic Knight Templar, Knight of Malta, and of the Rouge Croix, and as a royal arch-mason had filled the highest office of the chapter. According to his own request, he was buried with the full ceremonies of masonry; which had not been performed in Exeter for nearly half a century.

22. Trevor Corry, esq., of Newry, late a magistrate, and deputy-lieutenant of the county of Down.

27. At the house of J. K. Heron, esq., Swinton-park, Manchester, aged 46, the rev. R. S. M'All, LL.D. No death among Dissenting ministers has occasioned so deep a sensation since that of Mr. Spencer, of Liverpool.

28. In his 44th year, Thomas Peter Metcalfe More, esq., of Shottery, and of Barnborough-hall, Yorkshire. He was the only son of Thomas Peter Metcalfe, esq., of Bath, by Teresa, daughter of George Throckmorton, esq., granddaughter of sir Robert Throckmorton, bart. He took the name and arms of More by royal sign-manuel 24th June 1797; and was the lineal descendant and representative of the great lord Chancellor. He died unmarried; his only sister is the wife of Charles Eyston, esq.

28. At Warriston-house, near Edinburgh, aged 71, the widow of the celebrated philosopher Dugald Stewart, who had survived her husband ten years. Mrs. Stewart was sister to the late countess Purgstall, the subject of captain Hall's "Schloss Hainfeld," and to George Cranstoun, esq., advocate, now lord Corehouse. She holds a high place among the authors of Scottish song.

— In Fifeshire, Joseph Friskin, at the age, as is believed, of 112 years. This remarkable person was an African negro, the son and prospective heir of a chief. He uniformly stated that he was twenty years of age when he came to this country. He was domestic servant to lord Lovat in 1745, and he gave a vivid description of the blockade of Edinburgh. He continued with lady Lovat after the execution of her husband, then became cook on board ship, and escaped from the Royal George when "brave Kempenfelt went down, with twice 500 men," in 1782. He continued hale and vigorous until within a few months of his death, and his latter days were tended by the Makgills of Kemback, with whom he had lived as a domestic.

*Lately.* On his passage from Demerara to England, Thomas Southey, esq., commander R.N., brother to the poet laureate.

*Lately.* Aged 42, the rev. Robert Walker Bamford, B.D., vicar of Bishopton, co. Durham, to which he was presented in 1825, by the governors of Sherburn hospital, and a minor-canon of Durham cathedral. Many admirable papers on Educational and Religious Statistics, which have appeared in the periodical press, were his compositions. These and his Scriptural Dictionary have lightened the labours of many engaged in collecting information and giving instruction, who never knew to whose pen they were indebted.

*Lately.* At Liverpool, where she had resided for nearly a century, at the great age of 111, Mrs. Ann Wall. She was born June 29, 1727.

*Lately.* Henry Baron Fagel, formerly ambassador from Holland at the court of Great Britain. He was the grandson of the secretary of the States General of Holland, who died in 1790, at the age of 84 years, of which fifty-six had been employed in administration. The late baron was sent in November, 1793, to Copenhagen, on a secret mission to engage the court of Denmark to join with the other powers coalesced against the French republic, a mission in which his zeal drew upon him the hatred of the republicans of Holland, who wished to overthrow the family of Orange. In July 1794, he signed at the headquarters of the Prince of Cobourg, the treaty of alliance between the States-general and the kings of Prussia and Great Britain, to the formation of which his negotiations had materially contributed. After the conquest of Holland by the French, the baron partook of the misfortunes of the house of Orange, and withdrew from the country. After returning with the Stadtholder, he countersigned the manifesto of the 21st November 1813, in which the Dutch were invited to unite in shaking off the French yoke. On the 18th April following he concluded in London a convention relative to the restitution of certain Dutch colonies, conquered by Great Britain during the war; on the 19th May, 1815, having been appointed a councillor of state, he signed another convention with Great Britain and Russia, relative to the Russian loan in Holland.

## DEATHS.—Aug.

*Lately.* At Paris, count Sommariva, well known as an enlightened patron of the fine arts. He was a native of Milan; and at the period when the French invaded Lombardy, was in high repute as a barrister. He declared in favour of the revolution, was successively appointed to several offices, and was at length made secretary-general of the directory of the Cisalpine republic. When the Austro-Russians overran Italy, in 1799, he took refuge at Paris, with many of his compatriots. After the battle of Marengo had restored the republican order of things in Italy, Sommariva became one of the directors, and this situation he held till the establishment of the presidentship, when he was chosen a member of the college of *possidenti* or proprietors. His talents for public affairs were of the highest order, and were eminently conspicuous whilst he was in authority. He was no less excellent as an orator than as a statesman; and the speech which he pronounced on resigning the government into the hands of Count Melzi was considered a masterpiece of eloquence. Subsequently count Sommariva resided at Paris; where his hotel was the shrine of a valuable collection of pictures, and statues and above all the celebrated Magdalene by Canova.

*Lately.* In the Union Workhouse, Maresfield, Sussex, aged 50, George Watson, an individual well known in that and adjoining counties, as the Sussex Calculator. He was a native of Buxted. Though, from want of education, or some peculiar eccentricity of constitution, he was almost an idiot in his general conduct, the powers of his memory were astonishing. He lived for many years with an uncle, in the parish of Buxted, who was a farmer, and he would recount the quantity of live stock bred during the whole time he lived with him, to whom they were sold, and the prices they fetched. He was often asked to state on what day of the year Easter Sunday had been for a century past, and was never wrong in his answers. One of his favourite amusements was to recount the number of acres, amount of population, size of the church, and weight of the tenor bell of every parish in the county, which he would do without making a mistake. It was the wish of some individuals who took an interest in his behalf, to have assisted him. But his wandering habits

were such, that to fix him to any place was impossible; and from his idiotic obstinacy, he had latterly contracted such dirty ways, that it was found the only place he could be taken in at was the workhouse.

*Lately.* The rev. John Gustavus Handcock, rector of Aunaduff co. Leitrim and nephew of lord Viscount Castlemaine.

## AUGUST.

2. At Boulogne, Frances Mary Venetia Digby, daughter of K. H. Digby, esq., cousin to earl Digby.

6. Aged 41, lady Frances Jane, wife of the rev. Edward Bankes, and youngest daughter of the late earl of Eldon.

— At Beaumaris aged 69, Thomas Jervis, esq., queen's counsel, recorder of Lichfield, and a bencher of the Middle Temple, formerly chief justice of Chester.

11. At Bath in his 82nd year, the rev. John Gardiner, D.D. for fifty-seven years rector of Brailsford, Derbyshire, minister of the Octagon chapel, Bath.

— In Hertford-street, aged 51, Harriet, wife of the right hon. Thomas Frankland Lewis, sister to sir George Cornwall, bart., and to the viscountess Hereford.

13. At Upton, near Bath, Lawson Hurleston, esq., of a family long known and respected in the West of England, but now nearly extinct.

14. At his Marine Villa, Undercliff, Isle of Wight, aged 80, Robert Holford, esq., F.R.S.

19. At Raleigh-house, Plymouth, aged 37, Harriett, wife of commander Edward Blanckley, R.N., and niece to lord viscount Nelson.

20. At Brownsea-castle, the seat of sir Charles Chad, bart., aged 50, the lady Isabella Elizabeth Turnour, dau. of the late Edward Garth, second earl of Winterton.

21. At Huntingdon, general Denzil, Onslow, of Great Stoughton House in that county.

22. At Montreath, co. Wigton, in his 60th year, sir William Maxwell, the fifth baronet of that place (1681), and late M.P. for the county.

— At his seat, Stretton, en la Field, Derbyshire, in his 74th year, sir Wm. Browne Cave, the ninth baronet (of Stanford, co. Northampton, 1641.)



## DEATHS.—AUG.

24. At Leamington, aged 74, the rev. James Wallhouse, B.C.L., uncle to lord Hatherton.

25. At Kentish-town, aged 20, Samuel Montagu Champneys, esq., scholar of Brazenose college. He had just sat down to dinner when he was seized with a fit, and, falling back in his chair, expired in five minutes.

— At his residence, Oriel Lodge, Cheltenham, aged 66, the right hon. William-Richard Annesley, third earl Annesley (1789), fourth viscount Glenawly, county Fermanagh (1766), and baron Annesley, of Castle Wellan, co. Down (1758).

26. At his seat, Merthyr-mawr, co. Glamorgan, after two days' illness, in his 80th year, the right hon. sir John Nicholl, judge of the Admiralty, and formerly dean of the arches and judge of the prerogative court of Canterbury. Sir John Nicholl was the second son of John Nicholl, esq., of Llanmaes, Glamorganshire. In 1775 he was entered at Oxford, where he was immediately elected to a founder's kin fellowship at St. John's College. Having been admitted in 1785, as an advocate at the bar of Doctors' Commons, he rose rapidly into very extensive practice. In 1798 he succeeded sir William Scott (afterwards lord Stowell) as king's advocate, to which the honour of knighthood was added, October 31, 1798. On the formation of the St. Giles's and St. George's Bloomsbury volunteers, he became their lieutenant-colonel commandant, August 3, 1803. In 1802, he was elected member of Parliament for Penryn, and he sat successively till the dissolution after the Reform Bill, for that borough, Hastings (1806), Rye, (1807), and Great Bedwin (1813—1831). In Parliament he supported always the principles of Mr. Pitt, and the maintenance of the constitution in church and state. In 1809 he succeeded sir William Wynne as dean of the arches and judge of the prerogative court, and was made a privy councillor Feb. 6, and a lord of trade and plantations. On the death of sir Christopher Robinson, in 1834, he was appointed judge of the High Court of Admiralty, by Lord Grey's government, though known to be politically opposed to it. In 1835 he resigned the office of dean of the arches and judge of the prerogative court, but he retained the judgeship of the admiralty to the

period of his decease. The county of Glamorgan is indebted to sir John Nicholl for the introduction of the national system of education, and the Savings Bank at Bridgend, and also for the Glamorgan district committee in aid of the Society for the Promotion of Christian Knowledge. In 1787, sir John Nicholl married Judy, youngest daughter of Peter Birt, esq., of Wenvoe castle, and by her had issue five children.

28. Sir Chas. Burrell Blount, K.M.T. He received permission to accept the order of Maria Theresa, May 30, 1801, conferred upon him for his aid in the rescue of the emperor Francis from the French cavalry in Flanders, April 24, 1794.

— In Eaton-square, aged 62, the right hon. Emily, countess of Abingdon.

30. At Douglas Castle, Lanarkshire, aged 50, the hon. George Douglas, a post-captain, R.N., half brother of the right hon. lord Douglas.

— At his house in Moray-place, Edinburgh, in his 82d year, David Hume, esq., late baron of the Exchequer in Scotland. This venerable and learned gentleman was nephew to the historian, David Hume, and had filled various important situations with great ability. He was successively sheriff of Berwickshire and of West Lothian, professor of Scots law in the university, and one of the barons of exchequer, which latter office he held till the abolition of the court in 1830. But his most important service is his great work on the criminal law of Scotland, published in two volumes 4to., 1797, under the title of "Commentaries on the law of Scotland, respecting the Description and Punishment of Crimes." By the death of Baron Hume, a very valuable collection of MSS. has come into the hands of sir James Robison, as secretary of the Royal Society of Edinburgh. They consist principally of letters addressed to David Hume, from Rousseau, Condamine, and other distinguished foreigners, with a few letters written by Hume, and returned under various circumstances, together with several MS. essays and works.

*Lately.* At Sydney, New South Wales, Mr. Samuel Terry, who was transported as a convict about fifty years ago. During this period he accumulated property which, at his death, was



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valued at half a million. The landed property alone, left to his eldest son, was estimated at 150,000*l*.

*Lately*, aged 80, general Alexander Leith Hay, of Rannes and Leith Hall, county Aberdeen, and a deputy-lieutenant for that county.

*Lately*. At Serampore, aged 41, the hon. William Hamilton, brother and heir presumptive of lord Belhaven.

— M. Dulong, perpetual secretary of the Academie des Sciences, (in which office he succeeded baron Cuvier,) and of the Polytechnic school. He was well known for his researches on caloric, and the progress of modern chemistry.

## SEPTEMBER.

1. At his residence, Lyncombe, near Bath, aged 57, lieut-colonel Arthur Chichester William Crookshank, K.H.

3. At Chertsey, in her 65th year, Mrs. Charles Kemble. She first appeared on the stage (as Miss Decamp) in her sixth year, and quitted it at 45, returning for one night, 5th October 1829, for the purpose of introducing her daughter, Miss Fanny Kemble as *Juliet*, she playing *the Nurse*.

4. In Chapel-street, Belgrave-square, aged 38, the lady Barbara Crauford, sister to the earl of Coventry.

6. At Oldham, aged 75, Mr. John Knight, a well-known advocate of radical reform. He was a prominent supporter of the views of Hunt and his party, in the eventful period of 1819, and was twice imprisoned for his share in the political transactions of those times. In his later days he became an extensive dealer in political publications.

7. In Oxford-street, Henry Pyne, esq. commander, R.N. He entered the navy in 1798, was made lieutenant in 1806, and promoted to the rank of commander for his heroic conduct in assisting to capture and destroy a number of armed vessels on the coast of America, in the year 1814.

8. At Inverness, after a short but severe illness, in his 28th year, Alexander William Chisholm, esq., styled, as chief of his clan, "The Chisholm," M.P. for Inverness-shire.

9. At Madrid, by suicide, General Flinter, an Irishman of good family, who served under the duke of Wellington in Portugal and Spain, and was one of the many officers who joined the Por-

tuguese and Spanish armies by permission of our government. He was made chief of the staff to Mina during his campaign in the Basque provinces, and was wounded twice at the battle of Mendogria. After having been laid up for some time, he again joined the army, and was appointed to a command at Toledo, more to get rid of his claims than to render him any benefit. Here he contrived to do so much with very little means, that one of the few brilliant and successful affairs of the campaign was conducted by him. Success on the part of a foreigner is a mortal offence in the Spanish service, and Flinter was soon after the battle of Toledo recalled and laid on the shelf. This treatment on the part of the Spanish government may possibly have been the cause of his last fatal act. General Flinter was the author of a work on the colonies, containing much valuable information on the subject of free negro labour.

13. At Woolwich Common, major-general Stephen Galway Adye, C.B. chief fire-master in the royal Laboratory.

16. At Montague-house, Portman-square, aged 26, George Herbert, esq., of the Coldstream-guards, son of the late hon. and rev. George Herbert, and cousin of the earl of Carnarvon.

17. In his 82nd year, Rowland Burdon esq., of Castle Eden, county Durham. He was the only child of Rowland Burdon, esq., of Newcastle, merchant, and of Castle Eden. He succeeded his father in his estates, in 1786; and himself became one of the wealthiest merchants and bankers in the north of England. In 1790, he was returned to parliament for the county of Durham, after an arduous struggle. Mr. Burdon was one of the earliest examples of a merchant representing an English county. He was re-elected in 1796 and 1802; but in 1806 he resigned his seat in consequence of having encountered some commercial embarrassments; which were, however, after a time, happily surmounted. To the patriotism of Mr. Burdon that magnificent structure, the Bishopwearmouth bridge, owes its existence. He succeeded in obtaining an act of parliament for its erection, in the year 1792. From similar attempts having been made by the Colebrookdale Company, Mr. Burdon first conceived the idea of

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making use of iron in its construction ; and having first caused an experimental rib to be cast, the foundation stone was eventually laid, on the 24th September, 1793 ; and by the influence of Mr. Burdon, this vast undertaking was at length brought to a successful conclusion—the principal means being furnished by Mr. Burdon, who subscribed no less a sum than 30,000*l*.

18. At his mansion in Whitehall, aged 85, the right hon. Robert Smith, baron Carrington of Upton, co. Nottingham ; captain of Deal castle, LL.D., F.R.S., and F.S.A. Robert Smith, afterwards lord Carrington, was born February 2nd, 1752, at Nottingham, his father being a banker of that town. At the age of twenty-seven he was elected member of parliament for his native place which he continued to represent until his promotion to the peerage. In 1780 he married Anne, daughter of H. B. Barnard, esq., by whom he had a numerous family of daughters, but only one son, Robert John, born in 1796, the present lord Carrington. His surviving daughters are the hon. Mrs. Crewe, the countess Stanhope, the hon. lady Wynn, lady Granville Somerset, and the hon. Georgiana Smith. Lady Carrington, died in 1827, universally respected and regretted, and his lordship re-married in 1836 Charlotte relict of the rev. W. Trevelyan. In his public principles lord Carrington was the strenuous supporter, as in private life the attached friend, of Mr. Pitt. His intimacy with that great man had begun in very early years, and continued unabated through the whole of Mr. Pitt's career. It was in 1796, at the recommendation of Mr. Pitt that Mr. Smith was raised to an Irish, and next year to a British Peerage. At a later period the same minister as lord Warden of the Cinque Ports, conferred upon lord Carrington the captainship of Deal castle, within a mile of his own residence at Walmer, thus establishing his friend as his nearest neighbour in the country. He was also not unfrequently a guest of lord Carrington at his seat of Wycombe Abbey. It is scarcely worth while here to notice even for the purpose of complete refutation a false and foolish charge brought forward by sir N. Wraxall, in some posthumous memoirs, that Mr. Pitt had been swayed by corrupt pecuniary motives in raising Mr. Smith to the peerage. We refer the reader to the 114th

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number of the Quarterly Review, p. 456, for a dignified letter written in his later years, by lord Carrington to the right hon. Thomas Grenville, which completely repels this calumnious attack on his illustrious friend. The parliamentary influence which lord Carrington possessed was once very extensive, equal perhaps to any other that could be named among his contemporaries. At one period he was patron of the small boroughs of Midhurst and Wendover, while one of his brothers sat for Nottingham, another for Leicester, and his son-in-law, lord Mahon, now earl Stanhope, for Hull. The disposal of this patronage lord Carrington always regarded most scrupulously as a high public trust, to be employed solely for the promotion of those great political principles, which his deliberate conviction had approved. After the death of Mr. Pitt, lord Carrington continued a steady supporter of Conservative policy in the House of Lords. During his later years when unable to attend regularly in his place he used to entrust his proxy to the disposal of the duke of Wellington. He seldom spoke in public yet from his energy of character, his thorough mastery of all points of business, his practical and sagacious views, and the clear and graceful style and peculiar command of language, manifested in his private and familiar correspondence, it is not perhaps too much to assume that had he claimed, he would assuredly always have received, and always have rewarded, the respectful attention of either house of parliament. But it was especially in private life that his worth was felt and his beneficence, exerted. Throughout the whole of his long career his heart and hand were ever open to pity and relieve. His munificent charities in early life, carefully hid from observation as they were by himself, have yet after fifty years been unexpectedly and forcibly dragged from their modest concealment by Mr. Southey in his admirable *Life of Cowper*. And even to his latest octogenarian years, lord Carrington's charity remained equally warm and ready, and equally courting the shade.

20. At Paris, aged 71, the right hon. John Maxwell, fifth baron Farnham, of Farnham, co. Cavan (1756), a Representative peer and privy councillor for Ireland, and colonel of the Cavan militia: His lordship was born Jan. 18.

Q

## DEATHS.—SEPT.

1767, the elder son of the hon. and right rev. Henry Maxwell, lord bishop of Meath, by Margaret, only daughter of the right hon. Anthony Foster and sister to the first lord Oriel. Having inherited the estates of his grandmother Judith, daughter and heir of James Barry of Newton Barry, co. Wexford, esq., he assumed that name, and under the designation of colonel Barry was a well known member of the House of Commons, where he sat for the county of Cavan. He succeeded to the title on the death of his cousin John James Fourth baron and second earl of Farnham, July 23, 1823, when the earldom became extinct. He was elected a representative Peer of Ireland in 1825.

22. At his estate, Broome, near Dover, aged 82, sir Henry Oxenden, the seventh baronet of Dene, co. Kent, (1678), a commissioner of Dover Harbour, &c.

26. At Courteen-hall rectory, the residence of her daughter Mrs. Richard Wake, aged 84, Henrietta, widow of the right hon. Henry Grattan, the Irish patriot. He died in 1820.

*Lately.* Aged 27, Mary Elizabeth, wife of the rev. H. G. Talbot, rector of Michael Troy, and niece to lord Ponsonby and the countess Grey, she was the third daughter of major-general the hon. sir William Ponsonby, K.C.B. (slain at Waterloo).

*Lately.* At Plymouth, aged 55, sir William Elliot, C.B. K.C.H. K.T.S., captain of the flag-ship at that port. Sir William Elliot was of humble origin, and was born at Cawsand, near Plymouth, Dec. 15, 1782. His daring achievements during the war, in the West-Indies, obtained him the name of "fire-eating Elliot," and procured for him every step in the naval ladder of promotion.

28. At Pentonville, in his 50th year, Mr. James Barnes, the excellent pantaloons, and worthy comrade of the late clown, Grimaldi.

— At Brawlbin, co. Caithness, Mr. Donald Mackay, or Crombach, at the patriarchal age of 108. He served in the Reay militia so far back as the year 1745, (the memorable one of the rebellion), and was one of those engaged in the capture of the money which had been forwarded from the Continent for the use of the unfortunate prince Charles Stuart.

*Lately.* At Cheltenham, colonel John Crowder, K.H.

*Lately.* At Boston, in America, Nathaniel Bowditch, LL.D., F.R.S., President of the American Academy of Arts and Sciences. Dr. Bowditch was considered by the Americans as their greatest scientific man since Franklin, whose fellow-citizen he was. He rose, like him, from humble life, and was an illustrious instance of a self-educated man. All the little school education he ever had was received ere he was ten years old. He then went into a ship-chandler's employment, in which he soon distinguished himself by his figuring. After going to sea at an early age, he endeavoured, in the intervals of his voyages, to pick up a little knowledge of navigation, and, as preparatory to that, to acquire the elements of geometry. It so happened, that an elder brother of his, who likewise followed the sea, was then attending an evening school for the same purpose. On returning home one evening, he informed him that the master had got a new way of doing sums and working questions; for, instead of the numerical figures commonly used in arithmetic, he employed the letters of the alphabet. The master, he said, had a book which told all about it. This novelty inflamed the curiosity of the younger Bowditch; and he asked his brother whether he could not borrow the book of the master and bring it home, so that he might get a sight of it. (It should be remembered that, at this time, mathematical books of all sorts were scarce in America.) The book was obtained. It was the first glance that he had ever had at algebra. "And that night," said he, "I did not close my eyes." He read it, and read it again, and mastered its contents, and copied it out from beginning to end. Subsequently he got hold of a volume of the Philosophical Transactions of the Royal Society of London, which he treated pretty much in the same summary way, making a very full and minute abstract of all the mathematical papers contained in it; and this course he pursued with the whole of that voluminous work. He was too poor to purchase books, and this was the only mode of getting at their results, and having them constantly at hand for consultation. These manuscripts, written in his small neat hand, fill several folio volumes. It is a curious fact that he

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derived, in early life, very valuable and timely aid in his pursuits from a fine library belonging to the celebrated Dr. Kirwan, which was captured in the British channel, by an American privateer, during the revolutionary war. In 1800, when only twenty-three years of age, he first published his "Practical Navigator," which is now universally used in American ships, and to a considerable extent in those of Great Britain. He had, before that time, made several long voyages in various subordinate situations. He also taught himself several languages during the same period. It was in undertaking to correct Hamilton Moore's well-known "Navigator" for fresh publication, that Dr. Bowditch took up the idea of making one of his own. His qualifications for such a work may be judged in some degree, from the fact, that in the two editions of Moore's, which he published, he corrected more than 8000 mistakes. Some of these were highly important. In the summer of 1802, at the age of twenty-nine, his ship lying wind-bound in the port of Boston, Bowditch went to Cambridge to attend the exercises of Commencement Day; and whilst standing in one of the aisles of the church, as the president was announcing the honorary degrees conferred that day, his attention was aroused by hearing his own name called out as a Master of Arts. The annunciation took him wholly by surprise. He has been heard to say, that that was the proudest day of his life, and that of all the distinctions which he subsequently received, there was not one which afforded him half the pleasure as did this degree from Harvard.

The great scientific work, which gave to Dr. Bowditch his higher and more lasting fame was his translation of the "Mécanique Céleste" of La Place, accompanied by an extensive explanatory comment. It was completed in four quarto volumes, of about 1000 pages each, excepting merely the final revision of a few sheets of the last volume, upon which he was employed till within a day or two of his death. This would appear to be the first complete translation of this great work that has been made into any language. The liberal offer of the American Academy of Arts and Sciences, to print the whole at their expense, was not accepted, Dr. Bowditch declaring, that there was not sufficient taste in the community for such

studies to justify an enterprise which would involve a great outlay, and, as he thought, would bring him under pecuniary obligations to others. He preferred, therefore, to publish it at his own expense, although the cost of so doing was estimated at 10,000 dollars. In this generous resolution he was encouraged and stimulated by his second wife, and to her, in grateful acknowledgment of her sympathy and aid, he proposed, in the concluding volume, to dedicate the work. This expensive independence and liberality will be better appreciated, when it is known, that even at his decease the doctor's personal property amounted to little more than 30,000 dollars. The private character of this great man was equally admirable. In a remarkable degree he united the practical man with the scholar. There never was a more accurate, devoted business mind than his; he could be all business one day, and all science the next.

*Lately.* At Berlin, aged 69, Mr. Frederick Accum, formerly a distinguished operative chemist in London. Mr. Accum was a native of Buckelburg in Westphalia. He first came forward in London as an assistant to Dr. Garnett, the first professor at the Royal Institution. He soon after opened a shop in Compton-street, where, by experiments and public courses of lectures on experimental chemistry, he acquired a very considerable reputation. He afterwards lectured for many years at the Surrey and London Institutions; until at length his career was prematurely closed, by its having been discovered, that, to save himself the trouble of transcription, he had mutilated many valuable books at the latter establishment. He was then obliged to quit the country. Mr. Accum was the author of various works on chemistry, mineralogy, and subjects connected with his profession. Most of these passed through several editions, and many of them were translated into the German, French and Italian languages.

*Lately.* At Liverpool, the popular vocalist, Mrs. W. H. Bland, well known in London as Miss Somerville.

*Lately.* At Ashendon, aged 105, Elizabeth Toms; she retained her faculties till within a few days of her death, and never had a pair of spectacles in her life.

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## OCTOBER.

4. At Fermoy, aged 37, Major John Palk, commanding dépôt companies, 32d regiment; brother to sir Lawrence V. Palk, bart. of Haldon-house, Devon. He displayed dramatic talents of no common order, by the use of which he benefited the cause of charity in many instances.

— At Tunbridge Wells, after a few days illness, in his 69th year, vice-admiral sir John Tremayne Rodd, K.C.B.

6. Mr. Charles Pitt, well known in Westminster as a political orator, and in the courts of law as a perpetual applicant.

9. In Chenies-street, Tottenham-court-road, aged 72, Mrs. Sophia Morland, sister of the late eminent painter, Mr. George Morland. For the last fourteen years she occupied a second-floor back room, into which she never allowed any one but her immediate relatives to enter. She had a great antipathy to her own sex, but was of a charitable disposition.

13. In Norfolk-street, Park-lane, in his 44th year, sir Edward Poore, the second baronet, of Rushal, county of Wilts, (1795.)

15. At Cape-coast castle, South Africa, Letitia Elizabeth, wife of George Maclean, esq., governor of that settlement; better known as "L. E. L." Miss Landon was the daughter of an army-agent, and the niece of Dr. Landon, dean of Exeter. The early loss of her father, and the as early manifestation of a talent facile as it was fanciful, brought her before the world while yet a girl, as an enthusiastic and constant literary labourer. To her honour it must be noted, that the fruits of her incessant exertion were applied to the maintenance and advancement of her family. Such ceaseless composition, however, necessarily precluded the thought and cultivation essential to the production of poetry of the highest order. Hence, with all their fancy and feeling, her principal works too much resemble each other in their recurrence to the same sources of allusion, and the same veins of imagery, in the unnatural colouring of their descriptions, and in the excessive though not unmusical carelessness of their versification. In spite of the ceaseless strain upon her powers, however, Miss Landon had latterly reached a greater depth of thought, and had done much towards the polish-

ing and perfecting of her verse. Besides her poetry, Miss Landon's three novels, "Romance and Reality," "Francesca Carrara," and "Ethel Churchill," remain to attest her powers as a prose writer. Another was in progress at the time she was snatched away with such awful suddenness. She contributed largely to many periodical works, and to nearly all the Annuals, of some of which she wrote all the poetry. She was married on the 7th of June, 1837, and was only just settled at her new residence, at the time of her death, which took place suddenly, in consequence of her swallowing, by mistake, an over-dose of prussic-acid, a medicine which she had been in the habit of using as a remedy for spasmodic affections, to which it appears she was very subject. An inquest was held on the body, and a verdict to the above effect returned.

19. In Rutland-square, Dublin, in his 65th year, the right hon. and rev. Henry sixth baron Farnham, of Farnham, co. Cavan. He succeeded to the peerage only one month before his death, on the death of his brother John, fifth lord Farnham.

22. At Vienna, Elizabeth Ernestine Thayler, at the great age of 116 years. She entered a family as a servant when only at the age of 11, and remained in it till death, seeing two out of the three generations in it pass away. She was never married, and the use of her intellectual faculties was preserved to the last moment of her life.

25. At Brighton, aged nearly 70, lieutenant-general sir Charles Pratt, K.C.B., colonel of the 95th regiment.

26. At his seat Halstead-place, Kent, aged 78, M. Atkins, esq., one of the aldermen of the city of London. He filled the office of chief magistrate in very unpleasant times, but succeeded in preserving the public peace, and, at the close of his office, was offered a baronetcy, which he declined.

27. At Marine-lodge, the hon. Frances Fenton Cawthorne, last surviving daughter of the late John lord Delaval, and widow of John Fenton Cawthorne, esq., of Wyreside.

*Lately.* In the parish of St. Katharine Cree, Leadenhall-street, Thomas Davis, aged 106 years, who, together with his wife, Susannah Davis, who died in 1835, aged 105 years, became chargeable to the parish about 16 years ago.

*Lately.* At Strasbourg, on his return



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from one of his annual journeys as inspector-general to the University of Paris, the chevalier Frederic Cuvier, F.R.S. He was born at Montbéliard in 1773, was called to Paris by his illustrious brother, baron George Cuvier, and became keeper of the menagerie at the Jardin des Plantes in 1804, a place which enabled him to make some valuable observations on the economy and physiology of animals. These are published in the *Annales du Muséum*, and, with other valuable works on natural history, led to his election into the Academy of Sciences, to the inspector-generalship of the university, to the legion of Honour, to the Royal Society of London, and lastly, to the chair of comparative physiology, at the Jardin des Plantes. A remarkable coincidence exists between his death, and that of his brother; like him, he was about to deliver a fresh course of lectures, was attacked by paralysis, was aware from the first moment of the result which must ensue, was anxious to secure the welfare of others, was patient under severe sufferings, and was ready to meet his God. As a scientific man, his loss will be severely felt; for not only did he write the above-mentioned works, but was a contributor to several of the journals of science, and the principal labourer in the *Histoire des Mammifères*, published in conjunction with M. Geoffroy St. Hilaire. M. Cuvier has left a son, who, it is said, will honour his noble name.

30. In Clerkenwell new prison, having poisoned himself by opium, Joseph Reitterhoffer, alias count Rutter, who had been committed to prison for a conspiracy to extort money from the Marquis of Downshire and family. He was a courier in the service of the late Marchioness.

31. At West Stower, aged 82, Dolly Hartgill, supposed to be the last descendant of the family of Hartgill, memorable for the murder by lord Stourton, in Jan. 1557, for which he was hanged at Salisbury.

*Lately.* At Norwich, Mr. Samuel Woodward. This gentleman, who was a clerk in the bank of Messrs. Gurney, was a most intelligent and diligent antiquary and geologist, the author of an excellent work on the Geology of Norfolk, and of a Synoptical Table of the Fossils of Organic Remains through Britain. He frequently made communi-

cations to the Society of Antiquaries, many of which they have published.

## NOVEMBER.

1. At Rome, aged 50, sir John Hay, the sixth baronet of Smithfield and Haystoun, co. Peebles (1635), late M.P. for that county.

— At Brighton, aged 31, the right hon. Adelaide, wife of Lord John Russell, and mother of Lord Ribblesdale. She was the eldest daughter of the late Thomas Lister, esq., of Armitage Park.

2. At Brighton, aged 76, the right hon. Dorothy, countess of Newburgh, widow of Francis fifth earl of Newburgh.

5. At Tunbridge-wells, sir James Edward Colebrook, bart.

— At his seat, Bourton House, aged 30, the right hon. George William viscount Deerhurst. His lordship was the eldest son of the earl of Coventry by his first wife, Emma-Susannah, second daughter of the late earl Beauchamp.

6. At St. Anne's, Barnes, aged 19, the hon. Thomas Hope, sixth surviving son of the late general, John earl of Hopetown.

— At Hastings, aged 71, Wm. Agar, esq., queen's counsel and bencher of Lincoln's Inn. He was called to the bar Nov. 19, 1781, and was made king's counsel in Easter term, 1816. He appeared to have died in sleep, and, in the opinion of the surgeon, from the rupture of a vessel of the heart.

7. At Jordanstown, Perthshire, George William Henry Knight, esq., a post-captain, R.N.

7. At Edinburgh, in the 84th year of her age, Mrs. Anne Grant, widow of the rev. James Grant, minister of Laggan, Inverness-shire. Mrs. Grant was born at Glasgow in the year 1755. Her father, Mr. M'Vicar, was an officer in the British army, and shortly after her birth, accompanied his regiment to America, with the intention of settling there. His wife and infant daughter soon after joined him. During her residence in that country she was taught by her mother, and she never had a teacher. She was



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the sergeant of a Scottish regiment gave her the only lessons in penmanship she ever received; and observing her love of reading, he presented her with a copy of Blind Harry's "Wallace," which, by his assistance, she was enabled to decypher so fully as not only to understand the dialect in which the book was written, but also to derive from it that enthusiasm for Scotland, which, as she herself expressed, ever after remained with her as a principle of life. Her fondness for reading procured for her, from an officer of her father's regiment, a copy of Milton's *Paradise Lost*, and to the diligent study of this book Mrs. Grant herself ascribed the formation of her character and taste. Her conversation and talents soon secured for her the notice of several of the most eminent settlers in the state of New York, and in particular procured for her the friendship of the celebrated Madame Schuyler, whose worth and virtues Mrs. Grant has extolled in her "Memoirs of an American lady." Mrs. Grant's father, falling into bad health, was advised to leave America, and accordingly returned with his wife and daughter to Scotland, about the year 1768, and a few years afterwards was appointed barrack-master of Fort Augustus. During his residence at this place she became acquainted with the rev. James Grant, a young clergyman of accomplished mind and manners, to whom she was united in the year 1779. He died in 1801, leaving his widow with a family of eight surviving children. "The Letters from the Mountains" give a very graphic and interesting description of the life which Mrs. Grant led at Laggan, in Inverness-shire, the parish of which her husband was minister. As a relief from severer and more anxious duties, Mrs. Grant had always found delight in the pursuits of literature, and having early shown a taste for poetry, she was occasionally accustomed, for the entertainment of her friends, to write verses; and she also, by way of relaxation, carried on an extensive correspondence with some of the friends of her youth. It occurred to some of these, that a volume of her poems might be published with advantage; and, before she was well aware of their kind intentions proposals were dispersed all over Scotland for publishing such a volume by subscription. In a short period, the extraordinary number

of upwards of 3000 subscribers had been procured by her influential friends. The poems were well received on their appearance in 1803; and from the profits of this publication, Mrs. Grant was enabled to discharge all the debts which had hitherto pressed upon her, and which had been contracted during her married life. But the dangerous illness of her eldest daughter, and the outfitting of one of her sons for India, having again involved her in difficulties, her friends suggested the propriety of publishing some of her letters, which they thought contained so much artless description, and such graphic delineations of scenery and of character, as would be very interesting to the public. Mrs. Grant having consented, though with some reluctance, to their publication, the well-known "Letters from the Mountains" appeared in 1806. They went through several editions, and soon raised Mrs. Grant into much deserved popularity, and procured for her the patronage and friendship of many influential individuals. The only other works of any magnitude, which Mrs. Grant prepared for the press, were her "Memoirs of an American Lady," already referred to, and her "Essays on the Superstitions of the Highlanders of Scotland," both of which were favourably received. The former work has been greatly esteemed both in this country and in America, and contains much vigorous and powerful writing. For a very just and eloquent account of Mrs. Grant's writings, we refer the reader to a notice which sir Walter Scott appended to an application (under the superintendence of her friends), made in 1825, to his late Majesty, George the Fourth, for a pension to Mrs. Grant, and which bears the signature, not only of sir Walter himself, but also of Lord Jeffrey, Mr. Mackenzie, sir William Arbuthnot, sir Robert Liston, and principal Baird, who all took a great interest in this application. It is gratifying to state, that it was completely successful, and that Mrs. Grant received a pension of 100*l.* yearly, which, with the emoluments of her literary works, and some liberal bequests by deceased friends, rendered her latter years quite easy and independent.

11. At Brompton, in his 64th year, Mr. Charles Nesbitt, the eminent engraver in wood. He was a native of Swalwell, near Newcastle-upon-Tyne,

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and was apprenticed to the celebrated Bewick at an early age. His talents in wood-engraving were of the first order. He was awarded the gold palette of the Society of Arts for his famous view of St. Nicholas' church, Newcastle, which he executed upon no less than twelve distinct blocks of wood; and, in 1802, he also received the Society's silver medal. His illustrations of "Hudibras" and Shakspeare, and of sir Egerton Brydges's Works, gained him unqualified praise from every admirer of the arts. After practising for some time in London, he retired to his native village, where, for a number of years, he executed work sent down to him from the metropolis; and it was during an absence from home, on a visit to the scene of his early labours, that he breathed his last.

14. At Bradden-house, Northamptonshire, aged 80, Cornelius Ives, esq.

16. At Paris, in his 70th year, the right hon. Robert Cutlar Fergusson, her Majesty's judge-advocate-general, and M.P. for the Stewartry of Kirkcudbright. Mr. Fergusson represented two old and honourable families, the Fergussons of Craigdarroch, in Dumfriesshire, and the Cutlars of Orroland, in the Stewartry of Kirkcudbright. The name of the Craigdarroch family is familiar to all who are acquainted with the minute history of Scotland. A Fergusson of Craigdarroch was one of the first that signed the Solemn League and Covenant; another headed a small handful of men who defeated a portion of Cromwell's army at Glencairn, in 1651; and another fell at the battle of Killicraukie. The name of the family has also been celebrated by Burns, in his song of "The Whistle." The Cutlars were proprietors of Orroland for upwards of four centuries. Mr. Cutlar Fergusson, thus honourably descended, enjoyed the advantages of a liberal education, and early gave proofs of future eminence. It appears, that when young, he was an admirer of the writings of Mirabeau and the other French writers of that date; and so warmly did he sympathise with the French jacobins, that he connected himself at home with "the Friends of the People"—with lord Daer, and the other Parliamentary reformers of that day. So early as 1792, he had published "The proposed Reform in the Representation of the counties of Scotland considered." Being connected with Arthur O'Connor

and others, who were apprehended when going to France with O'Colghly, Mr. Fergusson was in the court at Maldstone during their trial for high treason; and, an attempt being made to assist O'Connor in his escape, the earl of Thanet and Mr. Fergusson were charged with joining in the rescue, for which they were tried, and sentenced to twelve months imprisonment; his lordship in the Tower of London, and Mr. Fergusson in the King's Bench prison. On this occasion he published, "Proceedings against the Earl of Thanet, Robert Fergusson, esq., and others, upon an information *ex officio*, for a riot; to which are added, Observations on his own Case," 1799, 8vo. Meanwhile, having studied law, and entered the English bar, (to which he was called by the Hon. Society of Lincoln's Inn, on the 4th July, 1797,) he had every prospect of rising to professional distinction; but owing, not only to suspicions, but danger attaching to him, in consequence of his reforming principles, he almost clandestinely emigrated to Calcutta, and commenced there the practice of his profession; and his success was equal to his most sanguine expectations. He was soon regarded by all parties as at the head of that bar; and, between the retirement of Mr. Strettel, and the arrival of Mr. Spankie, he acted for some time as attorney-general. After a brilliant career of about twenty years, he returned to his native country with a liberal fortune and a celebrated name. Mr. Fergusson brought with him from the East the same public views and the same reforming tendencies which he had carried out with him, though, perhaps, somewhat softened by lapse of years. On his return, he found the Stewartry of Kirkcudbright influenced as a pocket county by two noble families, and he determined to try to break the chain by which his fellow-electors were bound. Being powerfully supported by all the liberals in the county, and being, as to talents and general fitness, much the superior of the gentleman whom he opposed, (the late general Dunlop of Dunlop), he came off victorious at the general election in 1826, though only by a majority of one. Mr. Fergusson, ever after this period, was the representative of that county. In 1834 he was appointed to the office of judge-advocate-general, and sworn a privy-councillor on the 16th of July. He resigned

## DEATHS.—Nov.

this office on sir Robert Peel being nominated minister, but was re-installed on the return of Lord Melbourne to power. Late in life he married a French lady named De Beauchamp, by whom he left two children. His body was carried for interment to the family vault at Craigdarroch, county Dumfries.

20. At Hampstead, William Lorance Rogers, esq., F.S.A., for many years one of the police magistrates at Hatton Garden. He was called to the bar at the Middle Temple, June 14, 1805.

21. In Cirencester-place, in his 99th year, John Taylor, esq., the venerable and universally respected patriarch of English artists.

— At Blackheath, aged 77, the rt. hon. Frances countess dowager of Dartmouth.

— At his residence on Derwent Isle, Cumberland, lieut. - general William Peachy, D.C.L.

22. In Wimpole-street, after two days illness, major-general sir Robert M'Cleverty, C.B., and K.C.H.

— At his house, in Arlington-street, the right hon. William Philip Molyneux, earl of Sefton. In 1795, he succeeded his father, but the honours being Irish, did not confer upon him a seat in the House of Lords. His lordship was, however, almost constantly a member of the lower House until his elevation to the British peerage, as baron Sefton, of Crosteth, in 1831. In politics his lordship was a decided liberal. It has been said, that as a member of the House of Commons, lord Sefton was able to carry with him by his personal influence more votes than any (unofficial) man of his day. The courage which he displayed when, on the occasion of White's club excluding from a ball given there the name of the Princess of Wales, he alone protested against so unmanly a proceeding, will not soon be forgotten. A more questionable instance of his independence occurred at a subsequent period after Mr. Hone's trial, when lord Sefton, who then believed himself to be on his death-bed, wrote his celebrated letter, congratulating Mr. Hone upon his escape from the crown prosecutions which had been instituted against him, and inclosing a check for 100*l*. His lordship's conduct upon these occasions, gave so much offence at court, as to cause him to be almost entirely a stranger there during the reign of George the Fourth, but upon the ac-

cession of the late king, he was among the first of those upon whom the peerage was conferred. In private life lord Sefton was conspicuous for the magnificence of his mode of living. From youth he was esteemed the best "whip" in England, nor was he less distinguished for the luxury of his table, which was perhaps, the most *recherché* in London. His lordship married in 1792, Maria Margaretta, second daughter of William sixth lord Craven, by Elizabeth (afterwards Margravine of Brandenburg Anspach), and by her had issue, the present earl and other children.

23. In Albany-street, after a few days illness, in his 35th year, Charles John Smith, esq., F.S.A. At the age of 16, Mr. Smith was articled as a pupil to Mr. Charles Pye, the historical and landscape engraver, and subsequently became well known for his talents as an artist, and was very extensively employed in his profession, more particularly in the illustration of some of the best topographical and antiquarian publications of his time. For some years past, however, Mr. Smith had principally devoted his time and attention to antiquarian pursuits; and, it is probable that, had his life been spared, he would have greatly distinguished himself in that branch of literature.

— At Hanover-square, lady Caroline Dundas, aunt to the duke of St. Alban's.

27. At Paris, aged 68, count Lobau, marshal of France, and commandant of the national guards of the department of the Seine. Count Lobau was born at Phalsburgh, in the Meurthe, of an obscure family without fortune, of the name of Mouton; and at the time of the revolution was employed in his native town, it has been said, as a journeyman baker. He, however, entered the army, in which his talents and bravery soon made him distinguished. Every step he gained was earned by some act of valour; and when, in 1804, at the camp of Boulogne he was appointed to the command of the third regiment of the line, the whole army applauded the choice of Napoleon, who soon after appointed him one of his aides-de-camp. He gained the rank of general of brigade, by his distinguished conduct during the campaign of 1805. The immediately following campaign gave him new claims to the favour of Napoleon, and on the 5th of Oct. 1807, he was promoted to the rank of general

## DEATHS.—Nov.

of Division. The campaign of 1809 brought his military renown to its acmé, and earned him the title of count Lobau, he having defended the small island of Lobau against the Austrians, and brought his troops out of it across the Danube, gaining a complete victory over the enemy. The emperor used to say of him, "*Mon mouton c'est un lion.*" In the year 1812 he was appointed aide-major of the imperial guard, and in 1813, commander-in-chief of the first corps of the grand army. After the battle of Leipsic, he joined the garrison of Magdeburgh, with which he returned to France, at the close of the war. On the 8th Jan. 1814, he was created a chevalier of St. Louis. During the hundred days he resumed his post under the standard of Napoleon, was created member of the chamber of peers, and was made commandant of the first military division. In the short campaign of 1815, count Lobau was at the head of the 6th corps of the army of the north, and defeated the Prussians on June 8th; but was wounded and taken prisoner at Waterloo, and sent over to England, where he learned that the entrance into France was closed against him. In 1818 he was re-admitted into France, and, after a lapse of ten years, was elected deputy for the Meurthe, and took his seat on the opposition benches. He took part in the revolution of 1830, and was a member of the committee at the Hotel de Ville, and on the resignation of general Lafayette, in 1831, was appointed commandant of the national guards of Paris and Banlieue. On the 30th July, in the same year, he received his baton as marshal of France. The marshal was honoured with a public funeral, towards the expenses of which the municipal council of Paris voted the sum of 20,000 francs. His remains were deposited at the Hotel des Invalides, the dukes of Orleans, Nemours, and d'Aumale being present on the occasion.

30. At Earlsgift, co. Tyrone, the seat of the marquess of Abercorn, lady Isabella, wife of the hon. and rev. Charles Douglas, brother to the earl of Morton.

*Lately.* At Fovant, Herbert, son of the late Mr. Samuel Bracher. This young man was born blind, but his talent for music was very wonderful; he sang with much feeling, and played with great taste and judgment on the organ and pianoforte. He had been in the

habit, for years, of walking many miles around the neighbourhood alone; but is supposed to have missed his way, and was found drowned.

— Aged 61, Edward duke of Fitz-James. The duke of Fitz-James was the great grandson of the duke of Berwick (natural son of James II., king of England, and of Arabella Churchill, sister of the duke of Marlborough), and was born at Versailles, in 1776. He emigrated before the revolution, but his name was struck off the fatal list of proscriptions under the consular government. In 1814 he became aid-de-camp and first nobleman of the chamber of Monsieur the count d'Artois, afterwards Charles X, and a member of the chamber of peers, where he made himself remarkable by the prudence and liberality of his monarchical opinions. After the revolution of 1830, he took the oath of allegiance to the king of the French; but in 1831, when the hereditary peerage was abolished, he resigned his seat in the chamber, and was twice elected a deputy for the second arrondissement of Toulouse *extra muros*, in the department of the upper Garonne.

*Lately.* Aged 78, at the Mohawk village, on the Grand River, Upper Canada, Catherine Brant, relict of captain Joseph Brant, the celebrated leader of the six nations. She was the third wife of the distinguished chief, whose name during the war of the American revolution carried terror into every border hamlet; and was moreover, in her own right by birth, the head of the great Indian confederacy of the Six Nations. Hence, on the death of her husband, in 1807, upon her devolved the naming of a successor to the head chieftaincy of the alliance. The post was conferred on her youngest son, the late John Brant, who died of the cholera in 1832. On the decease of this noble fellow, who was the favourite son, she appointed to the chieftaincy an infant grandchild, the son of colonel William J. Kerr, of Brant-house, Wellington Square, New York, who married the youngest daughter of Joseph Brant. Catherine Brant, the deceased, was a true Mohawk. After the war, her husband built a mansion at the head of Lake Ontario, where he adopted the English style of living to a considerable extent; but on his death Catherine Brant resumed the Indian mode of life, and returned among her people on the Grand River.

## DEATHS.—Dec.

## DECEMBER.

1. At Rose Cottage, King's-road, Chelsea, aged 75, John Overton, esq., for many years an officer in the excise. He was a native of Tetford, county of Lincoln; and was placed, in his early youth, in the house of the rev. Mr. Emmeris, rector of that parish. He soon evinced an ardent love of study, and directed his unremitting attention, for many years, to the science of astronomy; and being of a mechanical turn, he was enabled to fabricate, with the assistance of the brazier and the smith, a great variety of telescopes and other mathematical instruments, of various sorts and dimensions. Besides his astronomical pursuits, he turned his researches to the study of sacred chronology and genealogy; and, singular to relate, printed in his own house, with little professional assistance, a work entitled "The Genealogy of Christ," 2 vols. 8vo., Crayford, 1817. This work displays an intimate knowledge of the Scriptures. He published also—2, The Books of Genesis and Daniel, in Connexion with Modern Astronomy, defended against Count Volney and Dr. Francis. Also, "The Sonship of Christ," against John Gorton and the rev. Mr. Evans, being supplementary matter to the Genealogy of Christ, 8vo., London, 1820.—3, "The Chronology of the Apocalypse investigated and defended," 8vo., London, 1822.—4, "Inquiry into the Truth and Use of the Book of Enoch," 8vo., London, 1822.—5, "Strictures on Dr. Chalmers's Discourses on Astronomy," 8vo., Deptford, 1823.

— At Brereton, near Lichfield, aged 70, Elizabeth, fifth daughter of the late Ralph Sneyd, esq., of Keel Hall, and Barbara, daughter of Sir Walter W. Bagot, bart., of Lichfield, by the lady Barbara, daughter of William, second earl of Dartmouth.

— At Hastings, aged 33, the hon. Charlotte Godolphin, wife of sir Theodore H. L. Broadhead, bart., only daughter of lord Godolphin, and niece to the duke of Leeds.

2. Sir John Innes, the tenth baronet of Edingight and Balvenie, co., Banff.

— At Wimbledon, greatly respected, and lamented by all who knew him, aged 53, Whitlock Nicholl, M.D., member of the Royal College of Physicians, honorary member of the Col-

lege of Physicians of Dublin, fellow of the Royal Linnæan, and Royal Medical and Chirurgical Societies, and member of the Royal Irish Academy, author of "Elements of Pathology," "The Economy of Man," "A Treatise on Cerebral Affections in Infants," "An Analytical View of Christianity," and other anonymous theological works.

6. In Judd-street, aged 67, William, Holl, esq., the eminent portrait and historical engraver, and one of the oldest members of the profession.

8. At his residence in Bedford-row, in his 73rd year, the hon. sir James Allan Park, one of the justices of the court of Common Pleas, D.C.L., and F.S.A. Sir J. Park was the only son of a medical gentleman, who, after practising with much reputation in Edinburgh, settled at Newington, in Surrey. He received his education at the free grammar school of Northampton; and was called to the bar by the Hon. Society of Lincoln's Inn, June 18, 1784. He soon acquired notice by his skill in mercantile law and marine insurances. In 1787, he published "A System of the Law of Marine Insurances," which has gone through numerous editions. He was raised to the rank of a king's counsel in 1799; and, in 1816, was promoted to the bench in the Common Pleas, and received the honour of knighthood. As a judge, sir James Park ever conducted himself with the greatest rectitude, mercy, and urbanity.

9. At Woodmansterne, Surrey, in his 57th year, sir John Smyth, the ninth bart. of Hill Hall, Essex (1661), a commander in the royal navy.

12. In St. James's-street, the right hon. Isabella Jane lady Hartland.

13. The dowager countess de Bourmont. Her maiden name was de Coustances. When, in 1830, in consequence of the revolution in France, the marshal de Bourmont, her son, returned from Algiers, and sought refuge in this country, his mother joined him in London, where her years and infirmities had since detained her.

15. At Rolls Park, Chigwell, Isabella Mary, wife of R. G. Cecil Fane, esq. She was the youngest daughter of the late admiral sir Eliab Harvey, by lady Louisa Grenville, daughter of Richard earl Nugent.

15. At Brighton, aged 35, the hon. Charles Abbot, youngest son of the late lord Tenterden.



## DEATHS.—DEC.

*Lately.* At Dublin, Commodore O'Brien, who several times crossed the Channel in (the gift of his royal master, George IV.) a vessel not exceeding the length of six feet.

22. At Cheltenham, in her 77th year, Catharine, widow of the hon. Henry Pelham, uncle of the present earl of Chichester. She was the eldest daughter of Charles Cobbe, esq., by lady Elizabeth Beresford, sister of the first marquess of Waterford.

— At his residence, Walmer-terrace, Deal, aged 81, the right hon. John Charles Villiers, third earl of Clarendon (1776), and baron Hyde, of Hindon in Wiltshire, (1756); a count of the Kingdom of Prussia; a privy councillor, chief justice in Eyre north of Trent, prothonotary of the County Palatine of Lancaster, a barrister-at-law, and M.A.

28. In Merrion-square, Dublin, at the close of his 79th year, the most rev. Richard Laurence, D.C.L. lord archbishop of Cashel, primate of Ireland and metropolitan of Munster, bishop of Emly, Waterford and Lismore. Dr. Richard Laurence was a native of Bath, where his father was a watch-maker in Orange-grove, and a member of the common council. At the age of eighteen he was matriculated in the University of Oxford, July 14, 1778, as an exhibitor of Corpus Christi college, his brother Dr. French Laurence, being at that time a Scholar there, on the county of Somerset. He took the degree of B.A. April 10, 1782, and of M.A. July 9, 1785. Having left college, upon taking his Bachelor's degree, he married, became curate to Coleshill, and engaged in tuition. His literary labours were here extended far beyond the instruction of pupils; for he contributed articles of criticism to the Monthly Review, and with still greater distinctness of purpose and employment undertook the historical department of this register. On the 27th of June 1794, he took the degrees of B. and D.C.L., having re-entered his name (which he had taken off the books of Corpus Christi college) at University college. Upon his brother's appointment to the Regius Professorship of Civil Law, in 1796, he was made deputy Professor and as such permanently resided in Oxford. But whilst he was fulfilling his duties, as deputy to his brother, he was preparing himself, by

indefatigable study, for more powerful proofs of his learning and talents, in the University pulpit, as preacher of the Bampton lectures, of which in 1804 he delivered a course. The proofs he gave on this, as well as on other occasions of successful labour, intellectual power, and literary attainment, did not long remain without patrons to reward them. In 1814 he was made Regius Professor of Hebrew, and canon of Christ Church. The patronage which helped him to this notice of the crown was that of the late lord Stowell, then sir William Scott, to whom, in the year 1814, he dedicated his "*Remarks upon the Systematical Classification of the MSS. adopted by Griesbach.*" But the professorship was actually given by the earl of Liverpool, to whom in like manner he dedicated his *Ethiopic Pseudepigraphum of the Ascension of Isaiah*—"propter benevolentiam in se collatam, cujus recordationem nulla dies eripiet." By the same nobleman he was raised to the archiepiscopal chair, as archbishop of Cashel, in 1822, upon the death of Dr. Brodrick. Archbishop Laurence was eminently a theological scholar; the casual purchase of an *Ethiopic* manuscript, containing the Canonical Prophecy of Isaiah, and the *Pseudepigraphum of the Ascensio Isaiaë Vatis*, led Dr. Laurence, at that time Regius Professor of Hebrew to investigate its history, and to settle its date, A.D. 69. The writing, though apocryphal, was made subsidiary to doctrinal, as well as critical purposes; and furnished arguments against the Unitarian falsification of passages in the New Testament. For theological purposes of the same sort, he translated and commented upon another *Ethiopic* MS. entitled the *Book of Enoch*, the same which Bruce had brought from Abyssinia, and presented to the Bodleian, and of which M. de Sacy had previously translated some chapters (another MS. of the same work having been given by Bruce to the royal library at Paris). Other instances of exact learning, and careful statement, are to be found in his remarks upon "*The Critical Principles adopted by the Writers who have recommended a new Translation of the Bible*;" and also in a sermon, preached at St. Mary's, Oxford, upon a subject closely connected with these Unitarian extravagances—"On Singularity and Excess in Theological literature." His



## DEATHS.—DEC.

attention being subsequently directed to the revival of the old questions respecting the Calvinistic tendency of the articles of our church, he published his "Doctrine of the Church of England upon the Efficacy of Baptism." In the course of his investigations in this controversy, he discovered in a manuscript in the Bodleian, No. 1972, those letters between the martyrs respecting Predestination, which Dr. Winchester and Mr. Hey supposed to have been destroyed. These he afterwards published under the title of "Authentic Documents relative to the Predestinarian Controversy, which took place among those who were imprisoned for their adherence to the Doctrines of the Reformation." Of this work the present bishop of Llandaff observes in his first Discourse on Necessity and Predestination "This curious Treatise, together with Dr. Laurence's able introduction, is well deserving the study of those who feel any doubt upon the doctrine of the Established Church in this matter."

29. At his son's house, Batchcote rectory, Worcestershire, in his 81st. year, the very rev. Whittington Landon, D.D., rector of Croft, Hereford-

shire, dean of Exeter, and Provost of Worcester-college, Oxford.

*Lately.* In Ceylon, aged 60, sir W. Rough, knt. chief justice of the Supreme Court of that island. In his early youth he published "Lorenzino de' Medici, and other poems, addressed to Mr. Roscoe, 1797," 8vo., and also some poetry in the old Monthly Magazine, and in a periodical publication called The Flagellant.

— Sholto Douglas, esq., late major 63rd regiment, brother of the marchioness of Queensberry.

*Lately.* At Wick, near Badminton, aged 67, lord Narborne Berkeley H. Somerset, fourth son of Henry, fifth Duke of Beaufort.

*Lately.* At Gloucester, aged 63, the rev. John Kempthorne, rector of St. Michael's with St. Mary de Grace in that city. Mr. Kempthorne published in 1810, "Select Portions of Psalms, from various translations." 12mo.

*Lately.* At Woodbridge, near Guildford, aged 76, James Mangles, esq., late M.P. for that borough.

*Lately.* Aged 74, the hon. and rev. William Parsons, only brother of the earl of Rosse.

# **FINANCE ACCOUNTS.**

FINANCE ACCOUNTS

- CLASS I. PUBLIC INCOME.
- II. PUBLIC EXPENDITURE.
- III. DISPOSITION OF GRANTS.

PUBLIC INCOME OF THE UNITED KINGDOM,

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties in the Nature of Drawbacks, &c.	NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
ORDINARY REVENUES.	£.	s.	d.	£.	s.	d.	£. s. d.
Customs .....	22,907,615	11	8½	844,496	19	10½	22,063,118 11 10½
Excise .....	15,300,406	0	1½	782,263	8	0	14,518,142 17 1½
Stamps (including Hackney Coach, and Hawkers and Pedlars Licenses).....	7,256,139	5	6½	216,600	11	7½	7,039,538 13 11½
Taxes, under the Management of the Commissioners of Stamps and Taxes .....	3,895,342	14	9½	5,196	8	9½	3,890,146 6 0½
Post Office .....	2,462,270	3	3½	122,581	14	8½	2,339,738 8 7½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	6,791	8	7	..	..		6,791 8 7
Crown Lands .....	419,780	9	0½	..	..		419,780 9 0½
Small Branches of the Hereditary Revenue....	5,067	11	10	..	..		5,067 11 10
Surplus Fees of Regulated Public Offices .....	32,846	19	4	..	..		32,846 19 4
Poundage Fees, Pells' Fees, Casualties, and Treasury Fees, in Ireland.....	1,477	9	9	..	..		1,477 9 9
TOTALS of Ordinary Revenues .....	52,287,737	14	0½	1,971,088	17	11½	50,316,648 16 1½
EXTRAORDINARY RESOURCES.							
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of her Majesty's Forces serving in India, per Act 4 Geo. 4, c. 71.....	60,000	0	0	..	..		60,000 0 0
From the Trustees of the King of the Belgians, the Amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold.....	33,500	0	0	..	..		33,500 0 0
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	128,105	9	5	..	..		128,105 9 5
Money received from the Bank of England, on account of Unclaimed Dividends.....	54,398	17	0	..	..		54,398 17 0
TOTALS of the Public Income of the United Kingdom .....	52,563,742	0	5½	1,971,088	17	11½	50,592,653 2 6½

## FOR THE YEAR 1838.

CLASS IV. UNFUNDED DEBT.

V. PUBLIC FUNDED DEBT.

VI. TRADE AND NAVIGATION.

FOR THE YEAR ENDED 5TH JANUARY, 1838.

TOTAL INCOME, including BALANCES.	TOTAL Payments out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS Outstanding on 5th January, 1838.	TOTAL Discharge of the Income.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
22,727,910 7 11½	1,571,528 8 10½	20,539,148 12 5	617,233 6 8	22,727,910 7 11½
15,043,702 4 2	1,148,872 7 0½	13,419,271 11 9	475,558 5 4½	15,043,702 4 2
7,285,959 10 2½	173,616 12 6	6,869,841 8 3	242,501 9 5½	7,285,959 10 2½
3,949,137 5 3½	211,533 5 2	3,077,748 11 9	59,855 8 4½	3,949,137 5 3½
2,530,126 8 6	698,682 2 4½	1,646,554 10 2	184,989 15 11½	2,530,126 8 6
7,620 15 9	124 3 0	7,233 4 2	263 8 7	7,620 15 9
474,315 4 5½	383,852 2 11	.. ..	90,468 1 6½	474,315 4 5½
5,067 11 10	.. ..	5,067 11 10	.. ..	5,067 11 10
32,846 19 4	.. ..	32,846 19 4	.. ..	32,846 19 4
1,477 9 9	.. ..	1,477 9 9	.. ..	1,477 9 9
52,058,163 17 3	4,188,159 1 10½	46,199,189 19 5	1,670,814 15 11½	52,058,163 17 3
60,000 0 0	.. ..	60,000 0 0	.. ..	60,000 0 0
33,500 0 0	.. ..	33,500 0 0	.. ..	33,500 0 0
128,105 9 5	.. ..	128,105 9 5	.. ..	128,105 9 5
54,398 17 0	.. ..	54,398 17 0	.. ..	54,398 17 0
52,334,168 3 8	4,188,159 1 10½	46,475,194 5 10	1,670,814 15 11½	52,334,168 3 8

## PUBLIC EXPENDITURE

Of the United Kingdom, exclusive of the Sums applied to the Reduction of the National Debt in the Year ended 5th January, 1838.

EXPENDITURE.		
<i>Payments out of the Income in its Progress to the Exchequer.</i>	<i>£. s. d.</i>	<i>£. s. d.</i>
Charges of Collection .....	3,430,679 6 5	
Other Payments .....	757,479 15 5½	
Total Payments out of the Income, in its progress to the Exchequer .....		4,188,159 1 10½
<i>Funded Debt.</i>		
Interest and Management of the Permanent Debt.....	24,357,137 15 11	
Terminable Annuities .....	4,195,744 17 4	
Total Charge of the Funded Debt, exclusive of £7,221 14s. 10d. the Interest on Donations and Bequests .....	28,552,882 13 3	
<i>Unfunded Debt.</i>		
Interest on Exchequer Bills .....	936,687 18 10	
Civil List .....	444,065 18 3	29,489,570 12 1
Annuities and Pensions for Civil, Naval, Military, and Judicial Services, charged by the various Acts of Parliament on the Consolidated Fund .....	578,966 4 2	
Salaries and Allowances .....	194,042 8 2	
Diplomatic Salaries and Pensions .....	188,140 16 —	
Courts of Justice .....	674,452 17 5	
Miscellaneous Charges on the Consolidated Fund .....	331,788 14 9	
		2,411,456 18 9
Army .....	6,521,715 11 1	
Navy .....	4,750,658 10 11	
Ordnance .....	1,444,528 — —	
Miscellaneous charges upon the annual Grants of Parliament,...	2,513,029 18 4	
		15,229,927 — 4
		51,319,113 13 0½

## DISPOSITION OF GRANTS.

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND for the Year 1837, have been disposed of; distinguished under their several Heads; to 5th January 1838.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY ... ..	4,788,761	0	0	3,250,000	0	0
ORDNANCE ... ..	1,302,014	0	0	721,074	0	0
FORCES ... ..	6,401,101	17	3	4,279,896	17	11
To defray, to the 31st March 1838, the Charge of the Civil Establishment of the Bahama Islands ... ..	3,783	0	0	2,310	0	0
To defray the Charge of the Civil Establishment of the Bermudas; to the 31st March 1838 .. ..	4,449	13	4	3,449	0	3
To defray the Charge of the Civil Establishment of Prince Edward's Island; to the 31st March 1838 ... ..	3,070	0	0	1,600	0	0
To defray the Charge of the Civil Establishments on the Western Coast of Africa; to 31st March 1838 ... ..	11,030	15	10	—		
To defray the Expenses of the Ecclesiastical Establishments of the British North American Provinces; to the 31st March 1838	14,140	18	6	—		
To defray the Expense of the Settlement in Western Australia, to the 31st March 1838 ... ..	5,309	5	0	64	13	5
To defray the Expense of the Establishment and Pensions of the Indian Department in Lower and Upper Canada, to the 31st March 1838	19,500	0	0	—		
To defray the Expense of the Civil Establishment of Heligoland, to the 31st March 1838 ... ..	963	0	10	—		
To defray the Expense of the Civil Establishment at St. Helena; and of Pensions and Allowances to the Civil and Military Officers, and Salaries of the East India Company's late Establishments in that Island; to the 31st of March 1838 ... ..	18,000	0	0	—		
To defray the Expenses of the Civil Government of Nova Scotia; to the 31st March 1838; and also for the Erection of Lighthouses there ... ..	7,400	0	0	215	9	8
To defray the Charge of Civil Contingencies; to 31st March 1838 ... ..	120,000	0	0	36,223	9	3
To defray, to the 31st March 1838, the Ex-						



SERVICES— <i>continued.</i>	SUMS Voted or Granted,	SUMS Paid.
	£. s. d.	£. s. d.
pense of Works and Repairs of Public Buildings, and for Furniture and other Charges and for Lighting and Watching, and for Rates and Taxes, and for the Maintenance and Repair of Royal Palaces, and Works in the Royal Gardens, heretofore charged upon the Civil List ... ..	72,059 0 0	12,500 0 0
To defray the Expense of Works and Repairs at the Harbour of Kingstown; to the 31st March 1838 ... ..	7,128 0 0	3,000 0 0
To defray the Expenses of the Holyhead and Howth Harbours, and Holyhead and Liverpool Roads; to the 31st March 1838 ... ..	6,650 0 0	6,650 0 0
To defray the Charge of New Buildings at the British Museum; to the 31st March 1838...	14,250 0 0	6,140 0 0
To defray the probable Expense of inclosing the Ground in front of each of the Wings of the National Gallery and Royal Academy, and levelling, inclosing and ornamenting the Area of Trafalgar Square ... ..	7,600 0 0	—
To defray the Expense of providing temporary accommodation for the Houses of Parliament, Committee Rooms, Offices, and Temporary official Residences for the Speaker of the House of Commons, and other Officers of that House; to the 31st March 1838	11,595 0 0	6,500 0 0
To defray the Expense of converting certain Buildings attached to Albany Barracks, Isle of Wight, into a Prison for the reception of Juvenile Offenders ... ..	25,000 0 0	—
To defray, in the year 1837, the Expense of building a new Custom House at Glasgow, including the purchase of Ground ... ..	14,800 0 0	—
To defray the Charge of Salaries and Expenses of the two Houses of Parliament, and of Allowances to Retired Officers of the two Houses; to 31st March, 1838 ... ..	76,700 0 0	45,441 16 0
To pay the Salaries, Contingent and other Expenses of the Department of Her Majesty's Treasury, to the 31st March 1838...	49,000 0 0	35,203 14 4
To pay the Salaries and other Expenses of the Office of Her Majesty's Secretary of State for the Home Department; to the 31st March 1838 ... ..	20,481 0 0	16,850 0 0
To pay the Salaries and other Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, also of the Foreign Messengers attached to that Department; to the 31st March 1838 ... ..	70,867 0 0	49,967 0 0
To pay the Salaries and other Expenses in the Department of Her Majesty's Secretary of State for the Colonies; to the 31st March 1838 ... ..	17,445 0 0	13,050 0 0

SERVICES—continued.	SUMS Voted or Granted.	SUMS Paid.
	£. s. d.	£. s. d.
'To pay the Salaries and Expenses in the Department of Her Majesty's most Honourable Privy Council, and Committee of Privy Council for Trade; to the 31st March 1838	24,638 0 0	16,663 5 10
'To defray the Charge of the Office of Her Majesty's Paymaster General; to the 31st March 1838	42,100 0 0	32,600 0 0
'To pay the Salaries and Contingent Expenses in the Departments of the Comptroller General of the Exchequer, and of the Paymaster of Civil Services; to the 31st March 1838	14,300 0 0	9,832 16 10
'To pay the Salaries and Allowances granted to certain Professors in the Universities of Oxford and Cambridge; to the 31st March 1838	2,006 0 0	2,006 0 0
'To defray the Charge of the Salaries of the Commissioners of the Insolvent Debtors' Court, of their Clerks, and the Contingent Expenses of the Court and Office, and also the Expenses attendant upon their Circuits; to the 31st March 1838	12,500 0 0	6,939 19 8
'To defray the Charge of the Penitentiary at Milbank; to the 31st March 1838	13,000 0 0	—
'To pay the Salaries and other expenses of the State Paper Office, the Office for the Custody of Records in the Tower, and the Office for the Custody of Records in the Chapter House, Westminster; to the 31st March 1838	3,985 0 0	1,345 16 0
'To defray the expenses of the Commission for digesting the several Statutes relating to Criminal and other Law	5,100 0 0	4,822 19 0
'To defray the expenses of the Commission for inquiring into Public Charities, to its termination	11,825 0 0	4,105 3 2
'To defray the Expenses of the Commission appointed to inquire into the Opportunities of Religious Worship and Means of Religious Instruction, and the Pastoral Superintendence afforded to the People of Scotland	6,335 0 0	—
'To pay the Salaries and Expenses incurred by the Ecclesiastical Commissioners for England; to the 31st March 1838	2,500 0 0	2,045 16 8
'To defray, in the year 1837, the Charge of Salaries and Expenses of the Commissioners for the Amendment and better Administration of the Laws relating to the Poor in England and Wales	52,129 0 0	39,546 10 10
'To pay, to the 31st day of March 1838, the Salaries and Incidental Expenses for the Commissions appointed on the part of		

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Her Majesty, under the Treaties with Foreign Powers for preventing the illegal Traffic in Slaves ... ..	14,700	0	0	5,000	0	0
To pay the Salaries of Her Majesty's Consuls-General, Consuls and Vice-Consuls, and of the Superintendents of Trade at Canton, also of the Contingent Expenses connected with the Public Duties of such Consuls-General, Consuls, Vice-Consuls and Superintendents of Trade. ... ..	100,389	0	0	32,893	5	5
To defray the Charge of the Salaries, of the Inspectors and Superintendents of Factories; to the 31st March 1838. ... ..	9,953	0	0	7,226	11	8
To defray the Salaries and Expenses of the Inspectors of Prisons; to 31st March 1838 ... ..	5,800	0	0	4,117	7	5
To defray the Expenditure for the several Branches of the Mint; to 31st March 1838	51,840	0	0	40,000	0	0
To defray the Charge of Allowances or Compensations to Persons formerly employed in the Public Offices or Departments, or in the Public Service; to 31st March 1838..	79,334	0	0	37,229	4	10
To enable Her Majesty to grant Relief, to the 31st March 1838, to Toulonese and Corsican Emigrants, Dutch Naval Officers, St. Domingo Sufferers, American Loyalists and others who have heretofore received Allowances from Her Majesty, and who, from Services performed or Losses sustained in the British Service, have Special Claims on Her Majesty's Justice and Liberality ... ..	10,000	0	0	3,200	0	0
To defray the Expense of the National Vaccine Establishment; for the year 1837 ...	1,850	0	0	1,850	0	0
For the Support of the Institution called "The Refuge for the Destitute;" for the year 1837	3,000	0	0	3,000	0	0
To defray the Expenses of confining and maintaining Criminal Lunatics in the Buildings attached to Bethlem Hospital; to the 31st March 1838 ... ..	3,073	0	0	49	17	9
To defray to the 31st March 1838, the usual Allowances to the Protestant Dissenting Ministers in England, poor French Refugee Clergy, poor French Refugee Laity, and sundry small Charitable and other Allowances to the Poor of St. Martin's-in-the-Fields, and others ... ..	4,600	0	0	—		
To defray the Charge of Her Majesty's Foreign and other Secret Services; to the 31st March 1838 ... ..	35,900	0	0	19,400	0	0
To defray the Expense of providing Stationery, Printing and Binding for the several Departments of Government; to the 31st						

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
March 1838; including the Expense of the Establishment of the Stationery Office	173,600	0	0	91,766	11	6
To defray the Expense of Law Charges; to the 31st March 1838 ... ..	11,000	0	0	8,000	0	0
To defray the Expense of the Convict Hulk Establishment at Home and at Bermuda; to 31st March 1838 ... ..	53,400	0	0	3,102	8	0
To defray the Expense of maintaining Convicts at New South Wales and Van Diemen's Land; to 31st March 1838 ... ..	244,100	0	0	—		
To defray the Expenses for the Support of Captured Negroes and Liberated Africans, under the Acts for the Abolition of the Slave Trade; to the 31st March 1838 ..	20,000	0	0	8,000	0	0
To pay the Annual Compensation awarded to Sir Abraham Bradley King, late King's Stationer in Ireland, for Losses sustained by him by reason of the revocation of his Patent	2,500	0	0	2,500	0	0
To enable Her Majesty to issue Money for the Erection of School-houses, in Aid of Private Subscriptions for that purpose, for the Education of the Children of the Poorer Classes in England; to 31st March 1838...	20,000	0	0	—		
To enable Her Majesty to issue, in the year 1837, Money for the Erection of School-houses, in Aid of Private Subscriptions for that purpose, for the Education of the Children of the Poorer Classes, and for the Erection of Model Schools in Scotland ...	10,000	0	0	—		
To pay the Allowances and Expenses of the Barristers employed in revising Lists of Voters, under the Act for amending the Representation of the People of England and Wales; to 31st March, 1838 ...	24,000	0	0	23,258	2	8
To defray, to the 31st March 1838, the Expenses incurred by Sheriffs, formerly paid from Civil Contingencies; also to make good the Deficiency of the Fees in the Office of the Queen's Remembrancer in the Exchequer, and to pay the Salaries and Ancient Allowances of certain Officers of the Court of Exchequer ... ..	14,450	0	0	7,167	2	7
To defray, in the year 1837, certain Charges heretofore paid out of County Rates ...	80,000	0	0	519	15	5
To enable Her Majesty to grant Relief to the Distressed Peasants now in this Country ...	10,000	0	0	9,450	0	0
To defray a part of the Charge of an Expedition for exploring the North-west part of New Holland ... ..	1,000	0	0	1,000	0	0
To enable the Trustees of the British Museum to purchase the Collection of Shells belonging to Mr. Broderip ... ..	1,575	0	0	1,575	0	0
To defray the Charge of Salaries of the						

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Governors, Lieutenant-Governors, and others of Her Majesty's West Indian Colonies; to the 31st March, 1838 ...	16,867	0	0	6,000	0	0
To defray, to the 31st March 1838, the Salaries and Allowances to Special Justices appointed in pursuance of the Act for the Abolition of Slavery throughout the British Colonies ...	69,950	0	0	—		
To defray, in the year 1837, such Expenses as her Majesty may incur in aiding the Local Legislatures in providing for the Religious and Moral Education of the Emancipated Negro Population ...	30,000	0	0	18,500	0	0
For Salaries of the Agents for Emigration; to the 31st March, 1838 ...	2,664	16	3	2,015	4	4
To defray, in the year 1837, the Charge of the Repair and Maintenance of the Rideau and Ottawa Canals in Canada ...	14,000	0	0	—		
To defray the Estimated Expenditure of the British Museum; for the year ending at Lady-day 1838 ...	29,400	0	0	22,050	0	0
To defray, to the 31st March 1838, Law Charges, Grants to Scottish Universities, and other Charges formerly paid out of Hereditary Revenues, and not provided for out of His late Majesty's Civil List, nor out of the Consolidated Fund ...	59,300	0	0	18,212	12	4
Towards satisfying such Charges, Pensions, and Annuities as would have been payable out of the Civil List in case the Demise of his late Majesty had not taken place before the 31st December, 1837, 200,000 <i>l.</i> voted, and the advances thereon to be repaid.						
To defray the Charge of repairing Marlborough House, for the reception of the Queen Dowager ...	21,000	0	0	9,000	0	0
Towards defraying the Expense of erecting the New Houses of Parliament, in the year 1837 ...	88,000	0	0	2,000	0	0
To carry on, to the 31st March 1838, the Works in progress under the direction of Commissioners of Public Records, also to pay certain Arrears not provided for by the Grant of last Session ...	18,172	0	0	9,882	3	3
In aid of the Funds of the Royal College of Surgeons in Edinburgh ...	5,000	0	0	5,000	0	0
To purchase, in the year 1837, Pictures for the National Gallery ...	9,030	0	0	9,030	0	0
To enable the Trustees of the British Museum to purchase certain Etruscan Vases, part of the Collection of the Prince of Canino ...	1,200	0	0	1,200	0	0
To pay Compensations to British Subjects in Upper Canada for Losses sustained by						

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
them during the War in 1813 and 1814, in addition to the Amount already provided from the Funds of the Colony, and other sources ... ..	17,910	8	1	—		
For Advances on account of Arrears of Charges for the Administration of Justice, and of the Civil Government of the Province of Lower Canada ... ..	142,160	14	6	37,729	9	0
Towards defraying the Expense of Steam Communication to India, by way of the Red Sea, for three-quarters of a year; to 31st March, 1838 ... ..	37,500	0	0	4,826	1	2
To enable the Lord Lieutenant of Ireland to issue Money for the Advancement of Education in Ireland; to 31st March 1838 ...	50,000	0	0	13,946	3	3
To defray the Expense of the Foundling Hospital in Dublin; to the 31st March 1838	13,400	0	0	8,854	7	7
To defray the Expense of the House of Industry in Dublin, the Lunatic Department, and the Four General Hospitals attached; to the 31st March 1838 ... ..	20,000	0	0	10,750	0	0
To defray the Expense of the Hibernian Marine Society in Dublin; to the 31st March 1838 ... ..	150	0	0	150	0	0
To defray the Expense of the Female Orphan House, Circular Road, Dublin; to the 31st March 1838 ... ..	1,000	0	0	940	14	8
To defray the Expense of the Westmoreland Lock Hospital; to the 31st March 1838...	2,500	0	0	2,500	0	0
To defray the Expense of the Lying-in Hospital in Dublin; to the 31st March 1838 ... ..	1,000	0	0	1,000	0	0
To defray the Expense of Dr. Stevens's Hospital in Dublin; to 31st March 1838 ...	1,500	0	0	1,500	0	0
To defray the Expense of the Fever Hospital and House of Recovery, Cork-street, Dublin; to 31st March 1838 ... ..	3,800	0	0	3,800	0	0
To defray the Expense of the Hospital for Incurables; to the 31st March 1838 ...	500	0	0	500	0	0
To defray the Charge of the Roman Catholic College in Ireland; to the 31st March 1838	6,928	0	0	6,696	0	0
To defray the Expense of the Royal Irish Academy; to the 31st March 1838 ...	300	0	0	300	0	0
To defray the Expense of the Royal Hibernian Academy; to the 31st March 1838 ...	300	0	0	300	0	0
To defray the Expense of the Royal Belfast Academical Institution; to the 31st March 1838 ... ..	1,800	0	0	900	0	0
In aid of the Expenditure of the Royal Dublin Society; to the 31st March 1838 ...	5,300	0	0	2,650	0	0
To defray the Salaries and Expenses of the Commissioners of Charitable Donations and Bequests in Ireland; to 31st March 1838 ... ..	700	0	0	200	0	0



SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland; to the 31st March 1838 ... ..	19,676	0	0	12,000	0	0
To defray the Salaries and Expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and Her Majesty's Privy Council Office in Ireland, and of Printing for the Public Offices in Ireland; to the 31st March 1838 ... ..	22,302	0	0	14,628	3	10
To defray the Charge of the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, and certain other Officers, and Services formerly charged on the Civil List in Ireland; to 31st March 1838 ... ..	12,394	0	0	8,862	7	10
To defray the Charge of the Establishment of the Office of Paymaster of Civil Services in Ireland; to 31st March 1838 ..	6,300	0	0	3,529	15	5
To defray the Expense of publishing Proclamations and Printing the Statutes in Ireland; to 31st March 1838 ... ..	4,157	0	0	2,623	19	11
To defray the Expense of Non-conforming, Seceding and Protestant Dissenting Ministers in Ireland; to the 31st March 1838 . . . . .	27,343	0	0	20,507	5	0
To defray the Charge of Criminal Prosecutions, and other Law Charges in Ireland; to the 31st March 1838 ... ..	60,900	0	0	42,482	2	2
In aid of the Funds for the Maintenance of the Police Establishment of Dublin; to the 31st March 1838 ... ..	27,000	0	0	12,407	0	0
To defray the Expense of Public Works in Ireland; to the 31st March 1838 ...	3,591	0	0	3,041	10	0
To defray the Expense of the Townland Survey of Ireland; to 31st March 1838 ...	7,000	0	0			
To defray the Expense of the Commission appointed to report on the best system of Railways in Ireland .. ..	5,000	0	0	4,000	0	0
	15,138,576	9	7	9,244,864	15	10
To make good Deficiency of Grants of former Years .. .. .	223,9	12	101 1			
	15,362,489	0	6	9,244,864	15	10
To pay off and discharge any Exchequer Bills charged on the Aids or Supplies of the Year 1836 or 1837 ... ..	24,623,300	0	0	24,173,850	0	0
	£ 39,985,789	0	6	33,418,714	15	10

## PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	Sums Paid to 5th January 1838.		
	£.	s.	d.
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 and 124, and 3 Geo. 4, c. 86 ... ..	4,000	0	0
Expenses in the Office of the Commissioners for building additional Churches, per Act 58 Geo. 3, c. 45 ... ..	3,000	0	0
Interest on Exchequer Bills ... ..	871,309	14	5
To defray Pensions heretofore charged on the Civil List, from 20th June to 31st December 1837 (being part of the Grant of 200,000 <i>l.</i> in Supply, which had not been repaid to Ways and Means on 5th January 1838) ... ..	37,421	5	1
	915,730	19	6
TOTAL Grants, as above stated ... ..	39,985,789	0	6
TOTAL Grants and Payments for other Services ... ..	40,901,520	0	0

## WAYS AND MEANS

for answering the foregoing Services :

	£.	s.	d.
Sums to be brought from Consolidated Fund, per Act 7 Will. 4, c. 11 ... ..	8,000,000	0	0
- - - - Ditto - - - - 1 Vict. c. 79 ... ..	5,220,000	0	0
Duty on Sugar, per Act 1 Vict. c. 27 ... ..	3,000,000	0	0
	16,220,000	0	0
Exchequer Bills, voted in Ways and Means, per Act 7 Will. 4, c. 17 ... ..	£11,000,000		
- - - - Ditto - - - - 1 Vict. c. 38 ... ..	13,623,300		
	24,623,300	0	0
TOTAL Ways and Means ... ..	40,843,300	0	0
TOTAL Grants and Payments for other Services ... ..	40,901,520	0	0
Deficiency of Ways and Means ... ..	58,220	0	0

PUBLIC  
Of GREAT BRITAIN and IRELAND, and the  
DEBT.

	1. CAPITALS.	2. CAPITALS transferred to the Commissioners.	3. CAPITALS UNREDEEMED.
<b>GREAT BRITAIN.</b>			
Debt due to the South Sea Company ..... } at £. 3 per cent	£. s. d. 3,662,784 8 6½	£. s. d. -	£. s. d. 3,662,784 8 6½
Old South Sea Annuities ..... Do. ....	3,497,870 2 7	-	3,497,870 2 7
New South Sea Annuities ..... Do. ....	2,460,830 2 10	-	2,460,830 2 10
South Sea Annuities, 1751 ..... Do. ....	323,100 0 0	-	323,100 0 0
Debt due to the Bank of England Do. ....	11,015,100 0 0	-	11,015,100 0 0
Bank Annuities, created in 1726.. Do. ....	826,535 0 0	1,302 8 0	825,233 15 0
Consolidated Annuities..... Do. ....	358,241,233 9 3½	532,676 8 8	357,708,667 0 7½
Reduced Annuities..... Do. ....	126,716,034 17 6	786,606 14 2	125,928,428 8 4
Total at £. 3 per cent..	408,942,689 . 8½	1,320,485 7 10	406,023,163 12 10½
Annuities .. .. at £. 3½ per cent. 1818..	10,637,269 2 0	1,390 5 8	10,635,863 16 4
Reduced 3½ per cent Annuities .....	66,266,032 1 10	26,681 19 11	66,238,350 1 11
New 3½ per cent Annuities .....	145,951,296 19 11	6,805 13 3	145,944,401 6 8
New £. 5 per cent Annuities .....	427,088 13 4	-	427,088 13 4
Total, Great Britain.....	730,213,265 17 9½	1,355,363 6 8	728,857,902 11 1½
<b>IN IRELAND.</b>			
Irish Consolidated £. 3 per cent Annuities.	3,099,786 17 3	-	3,099,786 17 3
Irish Reduced £. 3 per cent Annuities ....	118,963 4 9	-	118,963 4 9
£. 3½ per cent Debentures and Stock .....	14,591,860 10 6	-	14,591,860 10 6
Reduced £. 3½ per cent Annuities .....	1,008,576 17 3	-	1,008,576 17 3
New 3½ per cent Annuities .....	11,960,678 12 10	-	11,960,678 12 10
Debt due to the Bank of Ireland, at £. 4 per cent .....	1,615,384 12 4	-	1,615,384 12 4
New £. 5 per cent Annuities .....	6,661 1 0	-	6,661 1 0
Debt due to the Bank of Ireland, at £. 5 per cent .....	1,015,384 12 4	-	1,015,384 12 4
Total, Ireland.....	33,417,286 8 3	-	33,417,286 8 3
Total, United Kingdom.....	763,630,552 6 0½	1,355,363 6 8	762,275,188 19 4½

ABSTRACT.  
(\*.\* Shillings and Pence omitted.)

	CAPITALS.	CAPITALS transferred to the Commissioners	CAPITALS unredeemed.	ANNUAL CHARGE.		
				Due to the Public Creditor	Management.	TOTAL.
Great Britain ..	£. 730,213,265	£. 1,355,363	£. 728,857,902	£. 27,183,555	£. 157,441	£. 27,340,997
Ireland .....	33,417,286	-	33,417,286	1,183,742	-	1,183,742
Total	763,630,552	*1,355,363	762,275,188	28,367,298	157,441	28,524,739

On account of Donations and Bequests .....	£. s. d. 243,017 15 2
Do. of Stock unclaimed 10 years or upwards .....	259,019 11 9
Do. of Unclaimed Dividends .....	852,200 0 0
Do. of Land Tax, Schedule D. 2 .....	1,354,867 6 11
Total Stock transferred to and standing in the Names of the Commissioners on the 5th January, 1838 .....	496 19 9 1,355,363 6 8

## FUNDED DEBT.

CHARGE thereupon, at the 5th January, 1838.

## CHARGE.

		IN GREAT BRITAIN.			IN IRELAND.			TOTAL ANNUAL CHARGE		
		£.	s.	d.	£.	s.	d.	£.	s.	d.
Due to the Public Creditor.	Annual Interest on Unredeemed Capital .....	22,988,329	8	0½	1,176,918	17	7½			
	Long Annuities, expire 1860 .....	1,294,682	2	2	—					
	Annuities, per 4 Geo. 4, c. 22, do. 1867 .....	585,740	0	0	—					
	Annuities per 10 Geo. 4, c. 24, and 3 Will. 4 c. 14, expire at various periods .....	1,405,178	8	6	—					
	Life Annuities per 48 Geo. 3, c. 149, and 10 Geo. 4, c. 24, and 3 Will. 4, c. 14 .....	855,382	19	6	—					
	Tontines and other Life Annuities per various Acts .....	20,105	3	8	—					
	Irish .....	34,230	8	7	6,823	7	3			
		27,183,541	10	0½	1,183,742	4	10½			
	Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedule D. 2, per 43 Geo. 3, c. 123 .....	14	17	7	—					
	Management .....	157,441	3	11½	—					
Total Annual Charge .....		27,340,997	11	7½	1,183,742	4	10½	28,524,739	16	5½

The Act 10 Geo. IV. c. 37, which came into operation at the 5th July, 1829, enacts, That the Sum thenceforth annually applicable to the Reduction of the National Debt of the United Kingdom, shall be the Sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the Expenditure of the said United Kingdom; And the following Sums have been accordingly received by the Commissioners to be applied to the reduction of the said Debt, including Sums on account of Donations and Bequests, viz. :—

## ON ACCOUNT OF

	The Sinking Fund.			Donations and Bequests.		
	£.	s.	d.	£.	s.	d.
Applicable between						
5th April and 5th July, 1837 .....	532,523	0	1	314	8	7
5th July and 10th October, 1837 .....	465,705	16	4	3,275	4	11
10th October, 1837, and 5th January, 1838 .....	302,381	11	4	373	7	5
5th January and 5th April, 1838 .....	—			3,275	4	11
	£ 1,300,610	7	9	7,238	5	10

UNFUNDED DEBT.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on 5th January, 1838.

	Provided.			Unprovided.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Exchequer Bills	-	-	-	24,044,550	-	-	24,044,550	-	-
Sums remaining unpaid, charged upon Aids granted by Parliament	5,986,703	10	5	-	-	-	5,986,703	10	5
Total Unfunded Debt, and Demands outstanding									
	5,986,703	10	5	24,044,550	-	-	30,031,253	10	5
Ways and Means	6,156,783	17	11½	-	-	-	-	-	-
Surplus	170,080	7	6½	-	-	-	-	-	-
Deduct the amount of Exchequer Bills paid off out of Ways and Means, Money Grants, since 22nd April, 1837, but which it is not proposed to replace by the issue of Exchequer Bills									
	18,300	0	0	-	-	-	-	-	-
Surplus of Ways and Means	151,780	7	6½	-	-	-	-	-	-
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund at 5th January 1838	-	-	-	5,878,546	0	0	5,878,546	0	0

## TRADE OF THE UNITED KINGDOM.

AN Account of the Value of the Imports into, and of the Exports from, the UNITED KINGDOM, during each of the Three Years ending the 5th of January 1838:—Also, the amount of the Produce and Manufactures of the United Kingdom exported therefrom, according to the Real or Declared Value thereof.

YEARS ending 5th January.	VALUE OF IMPORTS into the United Kingdom.	VALUE OF EXPORTS from the UNITED KINGDOM.			VALUE of the Produce and Manufactures of the United Kingdom.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.	TOTAL EXPORTS,	
1836.....	£. 48,911,543	£. 78,376,732	£. 12,797,724	£. 91,174,456	£. 47,372,270
1837.....	57,230,968	85,229,837	12,391,712	97,621,549	53,568,572
1838.....	54,737,301	72,548,047	13,233,622	85,781,669	42,214,938

## TRADE OF GREAT BRITAIN WITH FOREIGN PARTS

AN Account of the Value of the Imports into, and of the Exports from GREAT BRITAIN, during each of the Three Years ending the 5th of January 1838: exclusive of the Trade with Ireland—Also, the Amount of the Produce and Manufactures of the United Kingdom exported from Great Britain, according to the Real or Declared Value thereof.

YEARS ending 5th January.	VALUE OF IMPORTS into Great Britain.	VALUE OF EXPORTS from GREAT BRITAIN.			VALUE of the Produce and Manufactures of the United Kingdom.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.	TOTAL EXPORTS.	
1836.....	£. 47,463,610	£. 77,932,616	£. 12,783,802	£. 90,716,418	£. 46,926,370
1837.....	55,733,419	84,883,276	12,384,538	97,267,814	53,015,431
1838.....	53,224,874	72,312,207	12,222,231	85,535,538	41,911,898



NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January 1836, 1837, and 1838 respectively.

	Year ending 5th Jan. 1836.			Year ending 5th Jan. 1837.			Year ending 5th Jan. 1838.		
	Vessels.	Tonnage.		Vessels.	Tonnage.		Vessels.	Tonnage.	
United Kingdom.....	860	116,635		679	86,509		936	131,171	
Isles Guernsey, Jersey, and Man .....	56	5,087		30	3,127		69	4,751	
British Plantations .....	455	63,230		441	66,604		388	58,825	
TOTAL .....	1,371	184,952		1,150	156,240		1,393	194,747	

Note.—The Account rendered for the Plantations for the year ending 5th January 1837, is now corrected; and as several Returns for that part of the empire are not yet received for the last year, a similar correction will be necessary when the next Account is made up.

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st of December, in the Years 1835, 1836, and 1837, respectively.

	On 31st Dec. 1835.				On 31st Dec. 1836.				On 31st Dec. 1837.			
	Vessels.	Tonn.	Men.		Vessels.	Tonn.	Men.		Vessels.	Tonn.	Men.	
United Kingdom .....	19,737	2,320,667	139,151		19,823	2,312,846	138,136		19,936	2,306,227	139,232	
Isles of Guernsey, Jersey, & Man .....	563	39,636	3,958		565	36,903	3,995		600	37,294	4,230	
British Plantations .....	5,211	423,458	27,911		5,432	442,297	22,506		5,501	457,497	30,044	
TOTAL .....	25,511	2,783,761	171,020		25,820	2,792,646	170,637		26,037	2,791,018	173,506	

## NAVIGATION OF GREAT BRITAIN. NEW VESSELS BUILT.

	Year ending 5th Jan. 1836.		Year ending 5th Jan. 1837.		Year ending 5th Jan. 1838.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
England .....	665	92,853	541	71,489	733	105,318
Scotland .....	156	21,261	116	13,103	165	22,562
Ireland .....	39	2,521	22	1,917	38	3,291
Isle of Guernsey .....	6	714	9	744	12	748
— Jersey .....	16	1,981	8	683	15	1,632
— Man .....	34	2,392	13	1,700	42	2,371
British Plantations .....	455	63,230	441	66,604	388	58,825
<b>TOTAL .....</b>	<b>1,371</b>	<b>184,952</b>	<b>1,150</b>	<b>156,240</b>	<b>1,393</b>	<b>194,747</b>

## VESSELS REGISTERED.

	On the 31st December 1835.			On the 31st December 1836.			On the 31st December 1837.		
	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.
England .....	14,823	1,853,112	105,945	14,949	1,859,726	105,221	14,998	1,821,994	105,075
Scotland ..	3,287	335,820	23,924	3,239	324,651	23,726	3,244	334,870	24,292
Ireland .....	1,627	131,735	9,282	1,635	128,469	9,189	1,694	139,363	9,865
Isle of Guernsey .....	78	9,186	1,633	87	9,494	675	90	9,280	678
— Jersey .....	243	23,221	2,023	235	20,826	2,034	245	21,107	2,165
— Man .....	242	7,229	1,297	243	6,583	1,286	265	6,907	1,387
British Plantations .....	5,211	423,458	27,911	5,432	442,897	28,506	5,501	457,497	30,044
<b>TOTAL .....</b>	<b>25,511</b>	<b>2,783,761</b>	<b>171,020</b>	<b>25,820</b>	<b>2,792,646</b>	<b>170,637</b>	<b>26,037</b>	<b>2,791,018</b>	<b>173,506</b>

## LIST OF THE GENERAL ACTS

*Passed in the FIRST Session of the THIRTEENTH Parliament of the United Kingdom of Great Britain and Ireland—I & II VICT.*

## I &amp; II VICT.

- I. An Act to continue for Six Calendar Months all such Commissions of the Peace as were in force at the Time of the Decease of His late Majesty King *William* the Fourth, and as have not been superseded, determined, or made void during the Reign of Her present Majesty.
- II. An Act for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of *Great Britain* and *Ireland*.
- III. An Act to carry into further Execution the Provisions of an Act for completing the full Payment of Compensation to Owners of Slaves upon the Abolition of Slavery. |
- IV. An Act to remove Doubts as to summoning Juries at adjourned Quarter Sessions of the Peace.
- V. An Act for the Relief of Quakers, Moravians, and Separatists elected to Municipal Offices.
- VI. An Act to regulate the Expenses of conveying Prisoners in *Ireland*.
- VII. An Act to enable the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works and Buildings to purchase Grounds and Tenements required to complete the Site for the new Houses of Parliament.
- VIII. An Act to enable Her Majesty to grant an annual Sum to her Royal Highness *Victoria Maria Louisa* Duchess of *Kent*.
- IX. An Act to make temporary Provision for the Government of *Lower Canada*.
- X. An Act to make good certain Contracts which have been or may be entered into by certain Banking and other Copartnerships.
- XI. An Act to apply the Sum of Two Millions to the Service of the Year One Thousand eight hundred and thirty-eight.
- XII. An Act for raising the Sum of Eleven millions four hundred and thirteen thousand seven hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-eight.
- XIII. An Act to enable the Grand Juries of the County and County of the City of *Waterford* to make Presentments, at the Spring Assizes for the Year One thousand eight hundred and thirty-eight, for the House of Industry of the said Counties.
- XIV. An Act to repeal so much of an Act of the Thirty-ninth and Fortieth Years of King *George* the Third as authorizes Magistrates to commit to Gaol or Houses of Correction Persons who are apprehended under Circumstances that denote a Derangement of mind and a Purpose of committing a Crime; and to make other Provisions for the safe Custody of such Persons.
- XV. An Act for the further Relief of Quakers, Moravians, and Separatists.
- XVI. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-nine; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.
- XVII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
- XVIII. An Act for the Regulation of her Majesty's Royal Marine Forces while on Shore.
- XIX. An Act to amend the Act for the Abolition of Slavery in the *British* Colonies.
- XX. An Act for the Consolidation of the Offices of First Fruits, Tenths, and Queen *Anne's* Bounty.
- XXI. An Act to apply the Sum of Eight Millions out of the Consolidated

- Fund to the Service of the Year One thousand eight hundred and thirty-eight.
- XXII. An Act to enable the Commissioners for the Affairs of *India* to make Rules and Regulations for *Haileybury* College.
- XXIII. An Act to amend the Law for providing fit Houses for the beneficed Clergy.
- XXIV. An Act to repeal Part of an Act intituled *An Act to provide for the Administration of the Government in case the Crown should descend to Her Royal Highness the Princess Alexandrina Victoria, Daughter of his late Royal Highness the Duke of Kent, being under the age of Eighteen Years; and for the care and Guardianship of her Person.*
- XXV. An Act to explain and amend an Act of the Seventh Year of His late Majesty, for extending the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His said late Majesty for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*.
- XXVI. An Act for raising the Sum of Thirteen Millions by Exchequer Bills for the Service of the Year One thousand eight hundred and Thirty-eight.
- XXVII. An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in *Ireland*.
- XXVIII. An Act to repeal the several Acts now in force relating to Bread to be sold in *Ireland*, and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, in that Part of the United Kingdom called *Ireland*.
- XXIX. An Act to supply an Omission in an Act passed in the present Session of Parliament, intituled *An Act to amend the Law for providing fit Houses for the beneficed Clergy.*
- XXX. An Act for the continuing the Bishoprick of *Sodor and Man*.
- XXXI. An Act for facilitating the Sale of Church Patronage belonging to Municipal Corporations in certain Cases.
- XXXII. An Act to enable her Majesty's Courts at *Westminster* to hold sittings in Banco in Time of Vacation.
- XXXIII. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and
- thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight.
- XXXIV. An Act to continue for five years, and from thence until the End of the then next Session of Parliament, An Act of the Second and Third Years of the Reign of his late Majesty, to restrain for five Years, in certain Cases, Party Processions in *Ireland*.
- XXXV. An Act to repeal the Stamp Duty now paid on Admission to the Freedom of Corporations in *England*.
- XXXVI. An Act to make further Provisions and to amend the Acts relating to the Harbour of *Kingstown* and the Port and Harbour of *Dublin*.
- XXXVII. An Act to empower the Foreman or any other Member of Grand Juries in *Ireland* to administer Oaths to Witnesses on Bills of Indictment.
- XXXVIII. An Act to amend an Act for punishing idle and disorderly Persons and Rogues and Vagabonds.
- XXXIX. An Act for carrying into effect a Convention of Accession of the *Hans Towns* to Two Conventions with the King of the *French*, for suppressing the Slave Trade.
- XL. An Act to carry into effect an additional Article to a Treaty with *Sweden* relative to the Slave Trade.
- XLI. An Act for carrying into effect an additional Article to a Treaty with the *Netherlands*, relating to the Slave Trade.
- XLII. An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to confirm the Titles to, and to grant Leases of Encroachments in the Forest of *Dean* in the County of *Gloucester*.
- XLIII. An Act for regulating the opening and working of Mines and Quarries in the Forest of *Dean* and Hundred of *Saint Briavels* in the County of *Gloucester*.
- XLIV. An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass.
- XLV. An Act to extend the Jurisdiction of the Judges of the Superior Courts of Common Law; to amend Chapter Fifty-six of the First Year of Her present Majesty's Reign for regulating the Admission of Attornies; and to provide for the taking of Special Bail in the Absence of the Judges.
- XLVI. An Act to continue until the

- Thirty-first Day of *December* One thousand eight hundred and forty-one, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of his late Majesty King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.
- XLVII. An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade.
- XLVIII. An Act to amend the Laws relating to the Qualification of Members to serve in Parliament.
- XLIX. An Act to transfer the Management of certain Annuities on Lives from the Trustees of the *Waterloo* Subscription Fund to the Commissioners for the Reduction of the National Debt, and to amend several Acts for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years.
- L. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His Majesty King *George* the Fourth, for the Administration of Justice in *New South Wales* and *Van Diemen's Land*.
- LI. An Act to amend the Laws relating to the Levy of Grand Jury Cess in the County of the City of *Dublin*.
- LII. An Act to continue for Five Years, and from thence until the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of His late Majesty, for the Regulation of the Linen and Hempen Manufactures in *Ireland*.
- LIII. An Act to amend an Act of the last Session of Parliament for providing more effectual Means to make Treasurers of Counties and Counties of Cities in *Ireland* account for Public Monies, and to secure the same.
- LIV. An Act for making further Investments from the Money of the Suitors of the Court of Chancery and the Court of Exchequer, and for providing for the Payment into Court of Fees received by certain Officers of the Lord Chancellor.
- LV. An Act to regulate and secure the Debt due by the City of *Edinburgh* to the Public; to confirm an Agreement between the said City and its Creditors; and to effect a Settlement of the Affairs of the said City and Town of *Leith*.
- LVI. An Act for the more effectual Relief of the destitute Poor in *Ireland*.
- LVII. An Act to appoint additional Commissioners for executing the Acts granting a Land Tax and Duties on Personal Estates, Offices, and Pensions.
- LVIII. An Act to vest in the Commissioners of the Treasury the Powers heretofore exercised by Commissioners appointed for certain Purposes relating to the Redemption of the Land Tax; and to authorize the Court of Exchequer to determine disputes as to the Division in which Lands are liable to be rated to the Land Tax.
- LIX. An Act for securing to Authors, in certain Cases, the Benefit of International Copyright.
- LX. An Act to amend an Act of the Fourth and Fifth Years of His late Majesty, empowering His Majesty to erect *South Australia* into a British Province or Provinces.
- LXI. An Act to amend an Act for enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster-General and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes.
- LXII. An Act to enable Masters of the Court of Chancery in *Ireland*, upon Application to that Court by Petition, to execute Renewals of Leases for Lives containing Covenants for Renewal in the Names of Persons bound by such Covenants to execute the same, and being out of the Jurisdiction of the Court; and to extend such Powers to Cases of Terms for Years, whether absolutely or dependent upon Lives.
- LXIII. An Act to amend the Acts relating to the Police of the District of the *Dublin* Metropolis.
- LXIV. An Act to facilitate the Merger of Tithes in Land.
- LXV. An Act for relieving the Commissioners and others acting in the Execution of divers Local Improvement Acts from certain Penalties and Disabilities.
- LXVI. An Act for maintaining a Lighthouse at *Gibraltar*, and respecting Lighthouses not within the United Kingdom.

- LXVII. An Act for the better Government of Prisons in the *West Indies*.
- LXVIII. An Act to continue until the First Day of *June* One thousand eight hundred and forty, and to the End of the then Session of Parliament, the Local Turnpike Acts for *Great Britain* which expire with this or the ensuing Session of Parliament.
- LXIX. An Act to remove Doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgagees.
- LXX. An Act to extend the Powers of an Act of the Sixth and Seventh Years of the Reign of his late Majesty, in relation to granting Tacks and making Excambians by Heirs of Entail.
- LXXI. An Act to amend and continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the importation and keeping of Arms and Gunpowder in *Ireland*.
- LXXII. An Act to continue for One Year, and from thence until the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in *Ireland*.
- LXXIII. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in *England*.
- LXXIV. An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy.
- LXXV. An Act to amend so much of of an Act of the Twenty-fifth Year of King *George* the Third, for the further and better regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of *London* and *Westminster*, as relates to Manufactories of Pitch, Tar, and Turpentine.
- LXXVI. An Act to explain and amend certain Provisions in Acts of the Parliament of *Ireland* for the Protection of Fisheries in that Kingdom.
- LXXVII. An Act for permitting Affirmation to be made instead of an Oath in certain Cases.
- LXXVIII. An Act for the Amendment of the Laws relating to Loan Societies in *Ireland*.
- LXXIX. An Act for the better Regulation of Hackney Carriages, and of Metropolitan Stage Carriages, and of Waggon, Carts, and Drays used in and near the Metropolis, and of the Drivers and Attendants thereof.
- LXXX. An Act for the Payment of Constables for keeping the Peace near Public Works.
- LXXXI. An Act further to postpone until the First Day of *January* One thousand eight hundred and forty, the Repayment of certain Sums advanced by the Bank of *Ireland* for the Public Service.
- LXXXII. An Act for establishing a Prison for young Offenders.
- LXXXIII. An Act for carrying into effect a Convention of Accession of the Duke of *Tuscany* to Two Conventions with the King of the *French* for suppressing the Slave Trade.
- LXXXIV. An Act for carrying into effect a Convention of Accession of the King of the *Two Sicilies* to Two Conventions with the King of the *French* for suppressing the Slave Trade.
- LXXXV. An Act to authorize the using in any Part of the United Kingdom, Stamps denoting Duties payable in *Great Britain* and *Ireland* respectively.
- LXXXVI. An Act to diminish delay in and Expence in Advocations and Suspensions in the Court of Session in *Scotland*.
- LXXXVII. An Act to facilitate the Foundation and Endowment of additional Schools in *Scotland*.
- LXXXVIII. An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto.
- LXXXIX. An Act respecting the Transfer of certain Funds to the Secretary at War and the Paymaster General.
- XC. An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.
- XCI. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Assistants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons-mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-nine.
- XCII. An Act to repeal the Four-and-a-Half per Centum Duties.



**XCIII.** An Act for raising the Sum of Eleven millions forty-four thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty eight.

**XCIV.** An Act for keeping safely the Public Records.

**XCV.** An Act to provide for the payment of certain Pensions.

**XCVI.** An Act to amend, until the End of the next Session of Parliament, the Law relative to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.

**XCVII.** An Act for imposing Rates of Postage on the Conveyance of Letters by Packet Boats between Places in the *Mediterranean* and other parts.

**XCVIII.** An Act to provide for the Conveyance of the Mails by Railways.

**XCIX.** An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated in *Ireland*; and for the Application and Distribution thereof.

**C.** An Act for continuing, under certain Limitations, the Powers given to the Judges, for altering the Forms of Pleading in the Courts of Common Law at *Westminster* and elsewhere.

**CI.** An Act to revive and continue an Act of the First and Second Years of his late Majesty, to enable his Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments Parcel of the Duchy of *Cornwall* or annexed to the same; and to make Provision for rendering to Parliament annual Accounts of the Receipts and Disbursement of the Duchies of *Cornwall* and *Lancaster*.

**CII.** An Act to revive and continue, until Six Months after the commencement of the next Session of Parliament, and to amend an act for authorising Her Majesty to carry into immediate Execution by Orders in Council, any Treaties made for the Suppression of the Slave Trade.

**CIII.** An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland*.

**CIV.** An Act to authorise the County of *Clare* to borrow a sum of money for the relief of the Creditors and others remaining unpaid by reason of the Default of the late Treasurer of the

said County, to provide for the Repayment of the same, and to direct Proceedings to be taken in reference to the Default of such late Treasurer.

**CV.** An Act to remove Doubts as to the Validity of certain Oaths.

**CVI.** An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.

**CVII.** An Act to amend and render more effectual the Church Building Acts.

**CVIII.** An Act for suspending until the First Day of *August*, One thousand eight hundred and thirty nine, and to the end of the then Session of Parliament, the appointment to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.

**CIX.** An Act to abolish Composition for Tithes in *Ireland*, and to substitute Rent charges in lieu thereof.

**CX.** An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain cases; for extending the Remedies of Creditors against the property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in *England*.

**CXI.** An Act to apply a sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and thirty eight, and to appropriate the Supplies granted in this Session of Parliament.

**CXII.** An Act for indemnifying those who have issued or acted under certain Parts of a certain Ordinance made under colour of an Act passed in the present Session of Parliament, intitled *An Act to make temporary provision for the Government of Lower Canada*.

**CXIII.** An Act to amend the Laws relating to the Customs.

**CXIV.** An Act to amend the law of *Scotland* in matters relating to Personal Diligence, Arrestments, and Poindings.

**CXV.** An Act to amend an Act of the Sixth and Seventh Years of His late Majesty, for the uniform Valuation of Lands and Tenements in *Ireland*, and for incorporating detached Portions of Counties and Baronies, with those Counties and Baronies respectively whereto the same may adjoin or wherein the same are locally situate.

CXVI. An Act to facilitate Advances out of County Monies for the support of County Gaols and Institutions in *Ireland*.

CXVII. An Act to provide for the Custody of certain Monies paid in the pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament.

CXVIII. An Act to make certain alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Tiends in *Scotland*, and to reduce the Fees payable in those Courts.

CXIX. An Act to regulate the Constitution, Jurisdiction, and Forms of Process of Sheriff Courts in *Scotland*.

CXX. An Act for the Abolition of the Duties payable on the Coinage of Tin in the Counties of *Cornwall* and *Devon*, and for giving Compensation in lieu of such Duties, and to reduce the Duties of Customs payable on Tin.

## LOCAL AND PERSONAL ACTS

*Declared Public, and to be judicially noticed.*

i. **A**N Act for making and maintaining a Harbour and other Works at *Paington* in the County of *Devon*.

ii. An Act for better paving, cleansing, lighting, watching, and otherwise improving the Town of *Milton-next-Sittingbourne* in the County of *Kent*.

iii. An Act to alter and enlarge some of the Provisions of an Act passed in the Third Year of the reign of His late Majesty King *William* the Fourth for better repairing the Road from *Warminster* and from *Frome* to the *Bath* Road, and other Roads therein mentioned.

iv. An Act for extending the time for completing the *London* and *Greenwich* Railway.

v. An Act for regulating the Market in the Town *Esmouth* in the County of *Devon*.

vi. An Act for repairing and improving

the Road leading from *Haleworthy* in the Parish of *Davidstow* in the County of *Cornwall* to the East End of *Wadebridge*, and from the West end of *Wadebridge* into and through the Borough of *Mitchell* in the said County; and for making and maintaining certain new Roads to communicate therewith.

vii. An Act for more effectually repairing and keeping in repair certain Roads in the County of *Kincardine*.

viii. An Act to repeal an Act passed in the Forty-sixth year of the Reign of His late Majesty King *George* the Third, for improving the Navigation of the river *Ribble* in the County Palatine of *Lancaster*, and for the further improvement of the Navigation of the said River.

ix. An Act to amend the several Acts relating to the *West India* Dock Company and the *East India* Dock Company, and to consolidate the said Companies.

x. An Act for building a Bridge over the River *Thames* from *Cookham* in the County of *Berks* to the opposite Shore in the County of *Bucks*.

xi. An Act for establishing a Floating Bridge or Bridges over the Harbour of *Portsmouth* from or near a place called *Gosport Beach*, in the Parish of *Alverstoke* in the County of *Southampton* to the opposite Shore to or near a place called *Portsmouth Point* in the Parish of *Portsmouth*, in the said County with proper approaches thereto.

xii. An Act for providing Market Places and for regulating the Markets, within the Borough of *Brecon* in the County of *Brecon*.

xiii. An Act for the improvement of the Borough of *Tenby* in the County of *Pembroke*, and for regulating and maintaining the Harbour and Pier belonging thereto.

xiv. An Act to amend an Act of the Forty-eighth year of the reign of His Majesty King *George* the Third relating to the improvement of the Town of *Leominster* in the County of *Hereford*.

xv. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Ashby-de-la-Zouch* and other Places in Counties of *Leicester*, *Derby*, *Warwick*, and *Stafford*.

xvi. An Act for more effectually repair-

ing and maintaining the Road from *Top of Odsalt* near *Bradford* through *Whibsey Low Moor* to *Huddersfield* in the West Riding of the County of *York*.

- xvii. An Act for repairing, amending, and maintaining the road from *Shrewsbury* through *Ellesmere* in the County of *Salop*, to *Wrexham*, in the County of *Denbigh*, and other Roads branching out of the same.
- xviii. An Act for making a Turnpike Road from *Cambmartin* in the County of *Devon* to *Bratton Down* in the same County, and several other Roads in the neighbourhood thereof.
- xix. An Act to alter and amend the Powers and Provisions of an Act relating to the *Lower King's Ferry Road*, in the Counties of *Flint* and *Chester*, and for making a new Road to communicate therewith; and for other Purposes relating thereto.
- xx. An Act to enable the *London and Croydon Railway Company* to enlarge their station in the Parish of *Saint Olave* in the Borough of *Southwark* in the County of *Surrey*, and to amend the Acts relating to the said Railway and Station,
- xxi. An Act to enable the *St. Helen's and Runcon Gap Railway Company* to raise a further sum of Money, and for amending the Provisions of the several Acts relating to such Railway,
- xxii. An Act to enable the *Brandling Junction Railway Company* to raise an additional Sum of Money.
- xxiii. An Act to authorise the *Newcastle-upon-Tyne and Carlisle Railway* to raise an additional Sum of Money for the purposes of their undertaking.
- xxiv. An Act to alter the line of the *Cheltenham and Great Western Union Railway*, and to amend the Act relating thereto.
- xxv. An Act for enabling the Company of Proprietors of the *Manchester, Bolton and Bury Canal Navigation and Railway* to raise more Money; and for amending the Powers and Provisions of the several acts relating thereto.
- xxvi. An Act for making several branches in the County of *Somerset* from the line of the *Bristol and Exeter Railway*, and for amending the Act relating to such Railway.
- xxvii. An Act for making a Railway from *Penhil* in the Parish of *Fremington*

in the County of *Devon* to the town of *Barnstaple*, and for constructing a Dock in the said Parish of *Fremington*, to be called, "the *Taw Vale Railway and Dock*."

- xxviii. An Act for making and maintaining a Pier or Jetty, and other works at Town and Borough of *Deal* in the Parish of *Deal* in the County of *Kent*.
- xxix. An Act for supplying with water the Town of *Bury* and the several Townships of *Watmorsley-cum-Shuttlsworth*, *Bury*, and *Elton*, all in the Parish of *Bury*, in the County Palatine of *Lancaster*.
- xxx. An Act to amend an Act for making and maintaining the *Turton and Entwistle Reservoir*.
- xxxi. An Act for building a Bridge over the River *Wye* at a place called *Boughrood Ferry*, in the Counties of *Brecon* and *Radnor*, and for making Convenient Approaches thereto.
- xxxii. An Act to amend an Act passed in the Fifth and Sixth Year of the Reign of King *William the Fourth*, regarding *Londonderry Bridge*, and to amend several Acts, relating to the City and Port of *Londonderry*.
- xxxiii. An Act to amend an Act passed in the Third Year of the reign of his late Majesty, King *William the Fourth*, intitled *An Act for paving, lighting, watching, cleansing, and otherwise improving, the Township or Chapelry of Birkenhead, in the County Palatine of Chester, and for regulating the Police thereof, and for establishing a Market within the said Township*.
- xxxiv. An Act for making a new Street or Thoroughfare, and widening and improving certain other Streets or Thoroughfares, within the Town and Borough of *Sheffield* in the County of *York*,
- xxxv. An Act for establishing a general Cemetery in the Parish of *Gravesend* in the County of *Kent*.
- xxxvi. An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Oakham* and *Uppingham*, and other places in the Counties of *Rutland*, *Leicester*, and *Northampton*.
- xxxvii. An Act for enclosing Lands within the Townships, or Divisions of *Strickland Roger*, *Wensell*, and *Helsington*, in the Parish of *Kirkby*, in *Kendal* in the County of *Westmoreland*; and for draining and improving certain Lands in the said Township of

*Halsington*, and in the Townships of *Underbarrow* and *Bradley field* and *Levens* in the Parishes of *Kirkby* in *Kendal* and *Heversham*, in the same County.

xxxviii. An Act for making, repairing, and maintaining certain Roads in Her Majesty's Forest of Dean, and the Waste lands belonging to the said Forest, and in several Parishes adjoining thereto, in the County of *Gloucester*.

xxxix. An Act for more effectually amending and improving the Roads from *Buckstone's* by *Bark-Island School* to the *Rochdale* and *Elland* Turnpike Road, near the Town of *Elland*, and from *Sykehouse* to the Highway leading from *Barkisland* to *Stainland*, all in the West Riding of the County of *York*.

xl. An Act for repairing the Road from *French Top* in the West Riding of the County of *York* to *Stayley* in the County Palatine of *Chester*.

xli. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty, King *George the Fourth*, intituled *An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks, towards Reading, to a Place called the Seven Mile Stone, in the Parish of Beenham in the said County, and a certain other Road communicating therewith*.

xl.ii. An Act for repairing and maintaining a Road from near *Salterhebble*, in the Parish of *Halifax* to the *Huddersfield* and *New Hey* Turnpike Road in the Parish of *Huddersfield*, and to *Sowerby Bridge* in the said parish of *Halifax*, all in the West Riding of the County of *York*, with a Bridge on the line of the said Road.

xl.iii. An Act for repairing and maintaining the Roads leading from *Wakefield* to *Halifax*, and from near *Hyperholn bar* to near *Stump Cross* all in the West Riding of the County of *York*.

xliv. An Act for repairing and maintaining the Road leading from the South End of *Angel Lane* in *Bramp-ton Bierly* to a certain public Highway in *Meabrough*, and from *Clegg's cottage* in *Rawmarsh* to the West end of the Village of *Hooton Roberts* in the County of *York*.

xl. An Act for repairing, maintaining,

and improving the Road leading from *Towcaster*, to the Turnpike Road in *Cotton End* in the Parish of *Hard- ingstone*, in the County of *Northamp-ton*.

xlvi. An Act for repairing and main- taining the Road from *Aylesbury* to *Thame*, and the Roads from *Thame* to *Oxford*, *Shillingford*, *Postcomb*, and *Bicester* in the Counties of *Bycking- ham* and *Oxford*.

xl. vii. An Act to repeal as much of an Act intituled *An Act for making and main- taining the Road from Glasgow to Red- burn Bridge, and certain other Roads in the Counties of Stirling, Dumbarton, and Larark*, as relates to the *Balnore* Road; and to improve and make and maintain the said Road, and certain other Roads connected therewith, in the Parishes of *Campsie* and *Bulder- nock*, and County of *Stirling* aforesaid.

xl. viii. An Act for repairing and main- taining the Road from *Quebec* to *Homefield Lane End*, all in the Parish of *Leeds*, in the West Riding of the County of *York*, with a Bridge or Bridges on the Line of such Road.

xl. ix. An Act for repairing the Road from *Maulden Wood Corner* to *West- wood Gate* in the County of *Bedford*.

l. An Act for better lighting with Gas the Town and Township of *Blackburn* in the County Palatine of *Lancaster*.

li. An Act to enable the *Exeter Com- mercial Gas Light and Coke Com- pany* to raise a further Sum of Mo- ney.

lii. An Act to amend an Act of King *George the Fourth*, for lighting with Gas the Borough of *Leicester* in the County of *Leicester*, and the Liber- ties, Precincts and Suburbs thereof.

lii. iii. An Act for lighting with Gas the Town of *Leamington Priors*, and the Neighbourhood thereof, in the County of *Warwick*.

li. v. An Act for the Erection of a new Church in the Parish of *Lee* in the County of *Kent*.

li. v. An Act for the erection and Endow- ment of a Chapelry for the District of *Lower Beeding* in the County of *Sus- sex* and for other Purposes.

li. vi. An Act for enabling the *Bolton and Preston Railway Company* to extend and alter the Line of such Railway, and to make collateral Branches thereto, and for amending and enlarg- ing the Powers and Provisions of the Act relating thereto.

- lvii. An Act for amending and enlarging the Provisions of the Act relating to the Midland Counties Railway, and of making a Branch therefrom to the Town of *Mountsorrel* in the County of *Leicester*.
- lviii. An Act for making a Railway from *Edinburgh* to *Glasgow*, to be called "The *Edinburgh* and *Glasgow* Railway," with a Branch to *Falkirk*.
- lix. An Act to alter, amend, extend and enlarge the Powers and Provisions of the several Acts relating to the Grand Junction Railway, and for other purposes connected therewith.
- lx. An Act for altering and amending several Acts relating to the *Garnkirk* and *Glasgow* Railway; and for enabling the Company to raise a further Sum of Money.
- lxi. An Act to enable the *Newtyle* and *Coupar Angus* Railway Company to raise a further Sum of Money.
- lxii. An Act for extending the Time for making a Dock or Docks at *Southampton*.
- lxiii. An Act to amend and enlarge the Powers and Provisions of an Act passed in the First and Second Years of the Reign of King *William* the Fourth, for erecting and maintaining a Pier and other Works for landing and embarking Passengers in the Port of the Town of *Southampton*.
- lxiv. An Act for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*, and for other Purposes relating thereto.
- lxv. An Act for building a Bridge over the River *Dove* at *Rocester* in the County of *Stafford*.
- lxvi. An Act for building a Bridge from the Parish of *St. Philip and Jacob* over the Floating Harbour to the Parish of *Temple* in the City and County of *Bristol*.
- lxvii. An Act to repeal, amend, and enlarge some of the Provisions of the Act relating to the Metropolitan Suspension Bridge.
- lxviii. An Act for building a Bridge over the River *Tweed* between *Ladykirk* in the County of *Berwick* and *Norham* in the County of *Durham*, and for making Avenues and Approaches thereto.
- lxix. An Act for amending the Provisions of Two Acts of Parliament relating to the City of *Hereford*; and for limiting the Duration *St. Ethelbert's* or the Nine Days Fair held annually in the said City.
- lxx. An Act for better paving, lighting, and watching, and improving the Parish of *Ramsgate* in the County of *Kent*, and for regulating the Police thereof.
- lxxi. An Act to Incorporate the Subscribers to the Institution called "The Refuge for the Destitute," and for the better enabling them to carry on their charitable Designs.
- lxxii. An Act to incorporate the Governors and Subscribers to *St. Luke's Hospital* for Lunatics, and for better enabling them to carry on their charitable Designs.
- lxxiii. An Act for more effectually repairing and maintaining the Road from *Borrowstounness*, by the West End of *Linlithgow*, and by *Torphichen Bathgate*, and *Whitburn*, to the Confines of the County of *Linlithgow* at or near *Hollhouseburn*; the Road from *Borrowstounness* to the River *Avon*; and the Road leading Eastward from *Borrowstounness* to *Champany* by the Kirk of *Carriden* in the County of *Linlithgow*.
- lxxiv. An Act for more effectually repairing the Road from *Dundalk* to *Duneleer* in the County of *Louth*.
- lxxv. An Act for repairing and maintaining the Road from *Lutterworth Hand* on the *Watling Street Road*, through *Churchover*, *Brownover*, *Newbald-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton*, in the said County.
- lxxvi. An Act to Repeal the *Wadsley* and *Langset* Turnpike Road Act so far as relates to the *Wadsley* and *Langset* District of the said Road in the West Riding of the County of *York*, and to make new Provisions in lieu thereof; and also for extending the said district of Road to or near to *Moorfields* in the Parish of *Sheffield*; and for other Purposes.
- lxxvii. An Act to vary and alter the Lines of the *Kirkstall*, *Ilkley* and *Shipley* District of Road, and for making a new Road from the *Otley* Branch Road in the said District to *Burley* in the Parish of *Otley* all in the West Riding of the County of *York*.
- lxxviii. An Act for amending an Act of



King George the Third, for draining Lands in *South Holland*, and for repairing and maintaining the Road from *Spalding High Bridge* to *Brother House*, all in the County of Lincoln.

lxxix. An Act for altering and amending an Act of the Eleventh Year of the Reign of his Majesty King George the Fourth, intituled *An Act for making, repairing, widening, and keeping in repair, certain Roads and Bridges in County of Caithness; and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof.*

lxxx. An Act for granting further Powers to the *Festiniog Railway Company.*

lxxxi. An Act to amend and enlarge the Powers and Provisions of the Act relating to the Eastern Counties Railway.

lxxii. An Act to alter the Line of the *Birmingham and Derby Junction Railway.*

lxxxiii. An Act for making a new Street from *Holborn Bridge* in the City of *London* towards *Clerkenwell Green.*

lxxiv. An Act for maintaining the Pier and Harbour of *Newquay* in the County of *Cornwall.*

lxxxv. An Act to repeal an Act of the last Session of Parliament, for improving the Harbour of *Fishguard* in the County of *Pembroke.*

lxxxvi. An Act to alter and amend, and in part repeal, the Powers of certain Acts for supplying the City of *Glasgow* and Suburbs with Water; to enable the Company of Proprietors of the *Glasgow Waterworks* to purchase the *Cranstonhill Waterworks*, and to raise a further Sum of Money; and to alter the rates leviable by the said Company of Proprietors.

lxxxvii. An Act for draining and embanking certain Lands in *Lough Swilly* and *Lough Foyle* in the Counties of *Donegal* and *Londonderry.*

lxxxviii. An Act for establishing a Steam Communicating over *Milford Haven* at or near *Pembroke Ferry* in the County of *Pembroke.*

lxxxix. An Act to amend an Act for the Amendment of four several Acts, passed in the Fifth, Sixth, Tenth, and Forty-seventh years of the Reign of His late Majesty, King George the Third, for the Recovery of Small debts

within the Hundreds of *Blackheath* of *Bromley* and *Beckenham* of *Roxley*, otherwise *Ruxley*, and of *Little* and *Lesness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*; and to extend the Powers thereof.

xc. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Barnsley* and other Places in the West Riding of the County of *York.*

xc. An Act to rectify a Mistake in an Act passed in the present Session of Parliament for the recovery of Small Debts within the Town of *Ashby-de-la-Zouch* and other Places in the Counties of *Leicester*, *Derby*, *Warwick* and *Stafford.*

xcii. An Act to enable "The National Loan Fund Life Assurance Society" to sue and be sued in the Name of the Chairman or Secretary, or any one Director of the said Society.

xciii. An Act for repairing and maintaining the Road from the *Leeds* and *Halifax* Turnpike Road at *Stanningly* to the Bridge over the *Leeds* and *Liverpool* Canal, and making and maintaining a Continuation of the same Road to *Water Lane* in *Leeds*, and other Roads communicating therewith, all in the West Riding of the County of *York.*

xciv. An Act for more effectually repairing, improving, and maintaining the *Dudley Hill*, and *Killinghall* Turnpike Road, and for making a new Road therefrom to communicate with the *Leeds* and *Harrowgate* Turnpike Road, all in the West Riding of the County of *York.*

xcv. An Act for dividing, allotting, and inclosing Common and Waste Lands called *Portfield* otherwise *Poorfield*, in the County of the Town of *Haverfordwest.*

xcvi. An Act for enlarging and extending the Powers, and altering and amending the Provisions of an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled *An Act for lighting with Gas the Town of Oldham and the neighbourhood thereof within the Parish of Priestwich-cum-Oldham in the Co. Palatine of Lancaster, and for the better Supplying the Inhabitants of the said Town and Neighbourhood with Water.*

xcvii. An Act for forming and regulat-



ing a Company to be called "The India Steam Ship Company," and to enable the said Company to purchase certain Letters Patent.

xviii. An Act for uniting the Medieties of the Rectory of *Liverpool* in the County Palatine of *Lancaster*, and for the better Endowment thereof, and of certain Churches in the said Town.

xcix. An Act for amending certain Acts relating to the Civil Court of Record of the Borough of *Liverpool*, and improving the proceedings thereof.

c. An Act for improving the Site of the Royal Exchange in the City of *London*, and the Avenues adjoining thereto.

ci. An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties.

cii. An Act for forming and establishing "The Colonial Patent Sugar Company," and to enable the said Company to purchase certain Letters Patent.

## PRIVATE ACTS.

### PRINTED.

i. **A**N Act for dividing, allotting and inclosing a certain Tract of uninclosed Common or Waste Land called *Ogley Hay*, in the County of *Stafford*.

ii. An Act for inclosing Lands in the Parish of *Sutton* in the *Isle of Ely* and County of *Cambridge*.

iii. An Act for inclosing Lands in the Parish of *Quedgley* in the County of *Gloucester*.

iv. An Act for authorizing the Sale of Part of the Settled Estates of *Christopher Turnor*, esq., and for investing the Monies arising from such Sale in the Purchase of other more convenient Estates, to be settled to the same Uses.

v. An Act for Inclosing Lands in the Parish of *Brotton Fleming* in the County of *Devon*.

vi. An Act for Inclosing Lands in the Parish of *Swavesey* in the County of *Cambridge*.

vii. An Act for inclosing Lands in the Parish of *Linton* in the County of *Cambridge*.

viii. An Act for inclosing Lands in the Parish of *Witcham* in the *Isle of Ely*, in the County of *Cambridge*.

ix. An Act for inclosing Lands in the Parishes of *Wickwar*, *Cromhall*, and *Tortworth* in the County of *Gloucester*.

x. An Act for inclosing Lands in the Parish of *Chesterton* in the County of *Cambridge*.

xi. An Act for inclosing Lands in the Parish of *Higham Ferrers* in the County of *Northampton*.

xii. An Act for inclosing Lands in the Parishes of *Berden*, *Manwden*, and *Stansted Mountfitchet* in the County of *Essex*.

xiii. An Act for inclosing Lands in the Manors of *Bishop's Castle* and *Munslow* in the County of *Salop*.

xiv. An Act for authorizing the Investment of a Fund under the Will and Codicil of the most noble *Charles* late Duke of *Norfolk* in the Purchase of Estates in any Part of *England*.

xv. An Act for the Sale of the Advowson of the Vicarage of *Painswick* in the county of *Gloucester*.

xvi. An Act for dividing, allotting, and inclosing the Open and Common Fields, Meadows, Lands, Commons, and Commonable Places in the Parish of *Fen Drayton* in the County of *Cambridge*.

xvii. An Act for inclosing Lands in the Township of *Curbridge* in the Parish of *Witney* in the County of *Oxford*.

xviii. An Act for Inclosing Lands in the Parish of *Gazeley* in the County of *Suffolk*.

xix. An Act for inclosing Lands in the Parishes of *Pulham Saint Mary the Virgin*, and *Pulham Saint Mary Magdalene*, in the County of *Norfolk*.

xx. An Act for inclosing lands in the Manor of *Great Warley* in the several Parishes of *Great Warley* and *Shenfield* in the County of *Essex*.

xxi. An Act for authorizing the granting of Leases of Part of the Estates in the County of *Carnarvon* devised by the Will of the late *Richard Parry*, Esquire.

xxii. An Act to explain and extend the Powers of the Trustees of *lady Glenorchy's* Chapel and School in *Edinburgh*.

- xxiii. An Act for authorizing the Sale, Exchange, and Partition of the Real Estate devised by the Will of *Richard Henry Alexander Bennett* esquire, deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for authorising the Investment in Land of the residuary Personal Estate bequeathed by the same Will; and for other Purposes.
- xxiv. An Act for giving Effect to certain Powers of Appointment over Settled Estates of the Duke of *Norfolk*, so that by the Exercise of such Powers the Estates to be appointed may be discharged from the Countess of *Surrey's* Pin Money; and for discharging certain parts of the said settled Estates from the Portions of the Daughters and younger Sons of the Earl and Countess of *Surrey*.
- xxv. An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of *King Edward the Sixth* in *Macclesfield* in the County of *Chester* to establish a Second School, to be called, "The Modern Free School in *Macclesfield* in the County of *Chester*;" and for other Purposes.
- xxvi. An Act for renewing, granting, and confirming certain joint Powers of Appointment to the Honourable *John Simpson* and *Henry Bridgeman Simpson*, his eldest son and certain sole powers of Appointment and of Revocation and new appointment to the said *Henry Bridgeman Simpson*, and for establishing and confirming certain Indentures of Settlement made on the Marriage of the said *Henry Bridgeman Simpson* respectively affecting the Estates of the said *John Simpson* and *Henry Bridgeman Simpson* in the several Counties of *Nottingham*, *Derby*, *York*, and *Warwick*.
- xxvii. An Act for effecting an Exchange of Lands in the County of *Glamorgan* between *Morgan Popkin Traherne* Esquire, and the right hon. Sir *John Nicholl* Knight.
- xxviii. An Act for authorising the Sale of Part of the Estates devised by the Will of *Samuel Smith* Esquire, deceased, and for investing the proceeds of such Sale in the Purchase of other Estates, to be settled upon the same Trust.
- xxix. An Act to confirm a Division already made, and to enable a further Division of the residuary Personal Estate of *William Grey*, deceased, and to determine the right of survivorship and Contingency affecting the same.
- xxx. An Act for effecting an Exchange between the Warden and Fellows of the College of *All Souls, Oxford* and *Thomas Penrice* Esquire.
- xxxi. An Act to authorize the making of Conveyances in Fee or Demises for long Terms of Years of Estates devised by or settled to the Uses of the Will of *Thomas Peter Legh*, Esquire, deceased, for building on or otherwise improving the same, under yearly Rents to be reserved in the same Conveyances and Demises, and to sell certain Parts of the said Estates, and to purchase other Estates in lieu thereof, under the Control of the Court of Chancery; and for other Purposes connected with the same Estates.
- xxxii. An Act for enabling the Trustees of certain Lands situate in the Parish of *Paddington* in the County of *Middlesex* to grant Building Leases of the said Lands, and for other Purposes.
- xxxiii. An Act for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury* in the County of *Suffolk* to release and discharge from Shackage and Commonage certain Lands within the said borough, and for other Purposes relating to other Lands, belonging to the said Borough.
- xxxiv. An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the right hon. *William Henry* Earl of *Rochford* deceased, and for the Application of the Produce thereof, and for authorizing the granting of Leases, of the same Estate: and for other Purposes.
- xxxv. An Act for enabling the Governors of the Possessions, Revenues, and goods of the Free Grammar School of the Parishioners of the Parish of *Saint Saviour* in *Southwark* in the County of *Surrey*, to sell the old School and Schoolhouse and the Site thereof; and also for enabling the right rev. *Charles Richard* Lord Bishop of *Winchester* and his Lessees to grant to the said Governors another Site for the Purpose of a more convenient School and Schoolhouse and proper Offices being erected thereon.

PRIVATE ACTS

NOT PRINTED.

- 36. An Act for naturalizing *James Patry*.
- 37. An Act for naturalizing *Peter Jos. Meugens*.
- 38. An Act for naturalizing *Alexander Constantine Ionides*.
- 39. An Act for naturalizing *Frederick Schwann*.
- 40. An Act for naturalizing *Henry Joseph Edw. Saffran*.
- 41. An Act for naturalizing *Frederick Joly*.
- 42. An Act for naturalizing *Benedetto Albano*.

- 43. An Act for naturalizing *George Lewis Augustus Behrens*.
- 44. An Act for naturalizing *Sophia Nelthorpe Le Jeune*.
- 45. An Act for naturalizing *Sarah Nelthorpe Newman*.
- 46. An Act for naturalizing *Mark Ludwig Beurle*.
- 47. An Act for naturalizing *John Nicholas Sibeth*.
- 48. An Act for naturalizing *Gustavus Theodore Anthony Count Batthyany*.
- 49. An Act for naturalizing *Frederick Rudolphe Grohte*.
- 50. An Act to dissolve the Marriage of Lieutenant Colonel *Lethbridge* with *Sarah Anne* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

PRICES OF STOCK in each Month in 1838.  
Highest and Lowest.

	Bank Stock.	3 per Ct. Reduced.	3 per Ct. Consols.	3½ per Ct. 1819.	3½ per Ct. red.	New 3½ per Ct.	Long Annuit.	Old S. S. Annuit.	S. S. Stock.	India Stock.	India Bonds.	Ex. Bills £.1000.
January .. {	206½ 204½	92½ 91	93 90½	100½ 98½	100½ 98½	100 98½	15½ 14½	91 89½	103½ 101½	264 260½	54 p.m. 24 p.m.	57 p.m. 44 p.m.
February .. {	206½ 204	93½ 92	93½ 91½	100½ 100½	101½ 100	100½ 99½	15½ 15	90½ 90½	104½ 103	265½ 263	61 p.m. 55 p.m.	64 p.m. 54 p.m.
March .... {	207½ 206½	93½ 92½	93½ 92½	101½ 101½	101½ 101½	101½ 100½	15½ 15½	91½	105	264½ 264	67 p.m. 54 p.m.	67 p.m. 54 p.m.
April .... {	206½ 205½	92½ 93½	93½ 93½	100½ 100½	101½ 100½	101½ 101	15½ 15	91½ 90½	105½ 104½	271 269	78 p.m. 64 p.m.	69 p.m. 63 p.m.
May ..... {	205½ 204½	93½ 92½	94½ 93½	101½ 100½	101½ 100½	102½ 101½	15½ 15½	91½ 90½	105½	271½ 270½	83 p.m. 62 p.m.	73 p.m. 60 p.m.
June ..... {	205½ 204½	94½ 93½	95½ 94½	101½ 101½	101½ 101½	103 102½	15½ 15½	92½	107 106½	270½ 270	76 p.m. 64 p.m.	71 p.m. 60 p.m.
July ..... {	208½ 205½	95 94½	94½ 93½	102½ 101½	102½ 101½	101½ 101½	15½ 15½	93½	105½ 104½	266½ 265	82 p.m. 72 p.m.	83 p.m. 70 p.m.
August..... {	208½ 206½	95 94½	94½ 93½	102½ 101½	102½ 101½	101½ 101	15½ 15½	92½ 92½	106½	265½ 264	78 p.m. 72 p.m.	78 p.m. 71 p.m.
September. {	208½ 208½	94½ 94½	94½ 93½	102½ 100½	102½ 100½	102 101½	15½ 15½		105½	265½ 264	74 p.m. 69 p.m.	74 p.m. 69 p.m.
October .. {	204½ 203½	93½ 92½	94½ 93½	100½ 100½	101 100½	102½ 101½	15½ 15½	91½ 91½	105 104½	263½ 260½	70 p.m. 63 .m.	72 p.m. 63 p.m.
November. {	204½ 201½	93½ 93½	94½ 93½	100½ 100½	100½ 100½	102½ 101½	15½ 15	91½ 91½	105 104½	263 258½	65 p.m. 60 p.m.	70 p.m. 64 p.m.
December. {	203½ 202½	93½ 92½	94 93½	100½ 100	100½ 100½	101½ 101½	15 14½	91 90½		263 261	64 p.m. 60 p.m.	67 p.m. 62 p.m.

## AVERAGE PRICES OF BRITISH CORN.

FROM THE RETURNS.

	Wheat.		Barley.		Oats.		Rye.		Beans.		Peas.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
January 26 .....	53	0	28	11	20	3	28	9	33	11	33	3
February 23 ...	53	3	28	9	20	0	29	6	32	7	32	9
March 23 .....	55	2	28	9	20	4	29	1	32	9	32	8
April 23 .....	57	3	29	5	21	2	31	3	33	5	32	10
May 25 .....	62	2	31	2	22	8	32	6	36	5	34	4
June 23 .....	62	11	30	10	22	7	33	3	37	0	35	4
July 27 .....	66	4	31	4	22	9	35	2	37	6	36	4
August 24 .....	70	5	32	8	23	2	36	8	38	4	35	8
September 21 ..	72	2	33	11	23	10	38	6	40	8	37	5
October 26 .....	64	3	31	9	22	8	35	2	39	7	39	11
November 23 ...	69	0	32	2	22	10	36	3	39	7	41	8
December 24 ...	74	6	34	4	24	3	42	4	40	9	43	6

## AVERAGE PRICES OF HAY, CLOVER, &amp; STRAW V LOAD.

January.	February.	March.	April.	May.	June.
Hay. 4 0 to 5 0	Hay. 4 0 to 5 0	Hay. 4 0 to 4 15	Hay. 4 5 to 5 0	Hay. 4 0 to 5 5	Hay. 4 10 to 5 17
Clover. 4 4 to 5 15	Clover. 4 0 to 5 0	Clover. 5 0 to 5 15	Clover. 5 0 to 5 10	Clover. 4 4 to 5 14	Clover. 5 0 to 6 0
Straw. 1 16 to 2 2	Straw. 1 15 to 2 0	Straw. 1 18 to 2 0	Straw. 1 18 to 2 2	Straw. 1 16 to 2 2	Straw. 1 18 to 2 4
July.	August.	September.	October.	November.	December.
Hay. 4 15 to 5 18	Hay. 5 5 to 5 15	Hay. 5 0 to 5 15	Hay. 4 4 to 5 15	Hay. 4 0 to 5 15	Hay. 4 0 to 5 12 6
Clover. 5 10 to 6 10	Clover. 5 15 to 6 6	Clover. 5 5 to 6 15	Clover. 5 0 to 6 10	Clover. 4 10 to 6 0	Clover. 4 10 to 5 15
Straw. 2 2 to 2 8	Straw. 2 2 to 2 5	Straw. 1 16 to 2 4	Straw. 1 15 to 2 4	Straw. 1 14 to 1 18	Straw. 1 14 to 1 18

## AVERAGE PRICES OF BUTCHER'S MEAT.

Average Prices per Stone of 8lb. in Smithfield Market, in 1838.

	Beef.				Mutton.				Veal.				Pork.				Lamb.			
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Jan. ....	3	4	to	4	6	3	10	to	4	6	4	4	to	6	0	4	8	to	5	6
Feb. ....	3	4	to	4	6	3	6	to	4	8	4	8	to	5	8	3	8	to	4	8
March ...	3	4	to	4	4	4	0	to	4	10	4	6	to	5	4	4	4	to	5	2
April .....	3	8	to	4	8	4	0	to	5	0	4	10	to	5	10	4	8	to	5	2
May .....	4	0	to	4	4	4	0	to	4	2	4	8	to	5	0	3	10	to	4	6
June .....	3	4	to	4	2	3	10	to	4	8	4	2	to	5	4	4	8	to	5	4
July .....	3	4	to	4	4	4	0	to	5	0	4	4	to	5	4	4	2	to	5	2
Aug. ....	3	4	to	4	4	3	8	to	4	8	4	4	to	5	0	4	0	to	5	0
Sept. ....	2	6	to	4	0	3	0	to	4	6	3	8	to	5	0	3	10	to	4	8
Oct. ....	3	0	to	4	0	3	6	to	4	6	4	0	to	5	0	4	4	to	5	4
Nov. ....	3	4	to	4	4	3	10	to	4	10	4	4	to	5	2	4	4	to	5	4
Dec. ....	3	4	to	4	4	3	10	to	5	0	5	0	to	5	8	4	6	to	5	6

## APPENDIX TO CHRONICLE. 6271

**BILLS OF MORTALITY, *from December 27, 1837*  
*to December 25, 1838.***

Christened	{	Males.. 9,807	}	20,010		Buried	{	Males.. 9,142	}	18,405
		Females 10,203						Females 9,263		

**WHEREOF HAVE DIED,**

Under two years of age .....	3458	Between sixty and seventy .....	1797
Between two and five .....	1934	Seventy and eighty .....	1354
Five and ten .....	892	Eighty and ninety .....	502
Ten and twenty .....	642	Ninety and a hundred .....	67
Twenty and thirty .....	1313	Above a hundred .....	5
Thirty and forty .....	1739		
Forty and fifty .....	1886		
Fifty and sixty .....	1756		

## TABLE of the Number of BANKRUPTS & DECLARATIONS of INSOLVENCY.

	England.	Ireland.	Scotland...	Total.	Declarations of Insolvency
January .....	81	2	6	89	9
February .....	90	7	8	105	12
March .....	84	7	9	100	10
April.....	72	3	7	82	8
May .....	98	4	4	106	8
June .....	89	7	7	103	10
July .....	59	5	1	65	8
August .....	65	2	6	73	6
September .....	47	7	6	60	3
October.....	46	2	10	58	6
November.....	62	4	6	72	16
December.....	55	8	2	65	10
			<b>Total.....</b>	<b>978</b>	<b>106</b>

# METEOROLOGICAL TABLE FOR 1838.

Month.	Barometer.		Thermometer.		Number of Rainy and Snowy Days.
	Highest.	Lowest.	Highest.	Lowest.	
	In. Pts.	In. Pts.	°	°	
January.	30.36	29.31	49	18	7
February	30.40	28.60	51	32	13
March..	30.50	29.00	60	38	8
April ..	30.20	29.27	67	37	13
May....	30.34	29.55	74	48	7
June...	30.20	29.50	76	54	15
July....	30.15	29.59	78	55	13
August..	30.20	29.00	78	61	10
Septem.	30.48	29.28	72	55	7
October.	30.38	29.30	63	44	5
Novem.	30.34	28.70	59	33	14
Decem..	30.50	29.30	54	36	9



UNIVERSITY OF OXFORD.

EXAMINATIONS. TERM—PASCHAL, 1838.

*In Literis Humanioribus.*

CLASSIS I.

Collis, John D. *Worcester.*  
Dukes, Robert M. *Lincoln.*  
Nevinson, Charles, *Wadham.*  
Rawlinson George, *Trinity.*

CLASSIS II.

Brown, George R. *Christ Church.*  
Browne, George L. *St. John's.*  
Campbell, Colin, *Exeter.*  
Coley, James, *Christ Church.*  
Collins, William L. *Jesus'*  
King, Henry, *Wadham.*  
Lloyd, Edgar, *Merton.*  
Pigott, Arthur J. *Merton.*  
Shadforth, Thomas, *University.*  
Turner, Dawson W. *Magdalen.*

CLASSIS III.

Benn, William H. *Merton.*  
Blissett, George, *Balliol.*  
Browne, Leopold G. *Exeter.*  
Buckland, Samuel, *Christ Church.*  
Coldridge, Theodore, *Exeter.*  
Fagan, George H. U. *Oriel.*  
Garbelt, Charles, *Brasen-nose.*  
Gregson, John, *Brasen-nose.*  
Hill, Richard, *Balliol.*  
Nelson, Hector, *St. John's.*  
Poynder, Frederick, *Wadham.*  
Prout, John W. *Wadham.*

Scratchley, Charles J. *Brasen-nose.*  
Skirrow, William, *University.*  
Slatter, John, *Lincoln.*  
Stye, Frederick, *St. John's.*  
Wallas, John, *Queen's.*  
Wilkinson, John, *Merton.*  
Young, Peter, *Exeter.*

CLASSIS IV.

Baron, John, *Queen's.*  
Brown, Alfred. *Queen's.*  
Carey, Charles, *Oriel.*  
Carthew, James, *Exeter.*  
Cornish, Arthur A. *Exeter*  
Cosser, Walter M. *Trinity.*  
Curren, William, *Christ Church.*  
Dickinson, Willoughby W. *Brasen-nose.*  
Downing Henry, *Trinity.*  
Emeris William R. *Magdalen.*  
Estcourt, Edgar E. *Exeter.*  
Fearon, John, *Queen's.*  
Garland. Nathaniel A. *Christ Church.*  
Harris, John, *Worcester.*  
Levy, George, *Queen's.*  
Marshal, Edward, *Corpus.*  
Morris, Frederick P. *Lincoln.*  
Nesfield, Robert W. M. *University*  
Pretymann, Radcliffe, *Trinity.*  
Rogers, John J. *Trinity.*  
Rogers, Thomas E. *Corpus.*  
Sullivan, Henry W. *Balliol.*  
Vance, George, *Exeter.*  
Ward, Henry. *Exeter.*  
Williams, Robert, *Jesus.*

*In Disciplinis Mathematicis et Physicis.*

CLASSIS. I.

Shadforth, Thomas, *University.*  
Slatter, John, *Lincoln.*

CLASSIS II.

Browne, George L. *St. John's.*  
Coley, James, *Christ Church.*

Dart, Joseph H. *Exeter*.  
Hall, William R. *Balliol*.  
Nelson, Hector, *St. John's*.

## CLASSIS. III.

Brown, George R. *Christ Church*.

Buckland, Samuel, *Christ Church*.

## CLASSIS IV.

Brock, Thomas, *Oriel*.  
Green, William, *Worcester*.  
Robison, Robert, *Queen's*.

## EXAMINERS.

*Lit. Hum.*

R. Hussey.  
H. B. Wilsou.  
E. Drayman.  
W. Palmer.

*Dis. Math.*

W. Falconer.  
J. Walker.  
E. Cockey

## CLASSIS 5.—LXXXVIII.

TERM, MICHAELMAS, 1838. *In Literis Humanioribus.*

## CLASSIS I.

Barclay, John, *Christ Church*.  
Lake, William C. *Balliol*.  
Meyrick, Thomas, *Corpus*.  
Newman, Wm. J. *Oriel*.  
Rigaud, Stephen J. *Exeter*.  
Trower,\* Francis C. *Balliol*.

## CLASSIS II.

Ady, Wm. B. *Exeter*.  
Brickdale, Matthew J. *Christ Church*.  
Chambers, Thomas K. *Christ Church*.  
Crawford, John R. *Lincoln*.  
Hughes, William H. *Christ Church*.  
Lloyd, Howell W. *Jesus*.  
Moncrieff, George R. *Balliol*.  
Row, Charles A. *Pembroke*.  
Vernon, Granville E. H. *Christ Church*.  
Wickens, James, *Christ Church*.

## CLASSIS III.

Barnes, William, *Christ Church*.  
Bigge, Henry J. *University*.  
Boodle, Richard, *Oriel*.  
Clayton, Edward, *Christ Church*.  
Denison, Alfred, *Christ Church*.

Dowding, William, *Merton*.  
Escott, Hay S. *Balliol*.  
Fawcett, William, *Lincoln*.  
Fellowes, Thomas L. *Christ Church*.  
Fuge, James, *Magdalen Hall*.  
Holbeck, Charles G. *Balliol*.  
Lewis, George J. *Queen's*.  
Liddell, hon. Adolphus F. *Christ Church*.  
Marshall, Stirling F. *Wadham*.  
Maule, John B. *Christ Church*.  
Mills, Arthur, *Balliol*.  
Price, Edwin P. *Lincoln*.  
Rawnsley, Edward, *Brasen-nose*.  
Ross, Charles L. *Magdalen Hall*.  
Upton, William J. *New College*.  
Wightman, Charles E. *Lincoln*.

## CLASSIS IV.

Atkinson, Thomas, *Lincoln*.  
Banister, William, *Wadham*.  
Barham, Richard H. D. *Oriel*.  
Croft, Christopher, *Magdalen Hall*.  
Darnell, William, *Corpus*.  
Lyons, Richard B. *Christ Church*.  
Newcomb, Charles J. *Oriel*.  
Schreiber, John, *Balliol*.  
Turner, Charles B. *Balliol*.  
Whiteway, John H. *Worcester*.

*In Disciplinis Mathematicis et Physicis.*

## CLASSIS I.

Moncrieff, George R. *Balliol*.  
Rigaud, Stephen J. *Exeter*.

## CLASSIS II.

Brodie, Benjamin C. *Balliol*.  
De Haviland, Chas. R. *Oriel*.

\* Latin Verse, 1838.

CLASSIS III.	CLASSIS IV.
Crawford, John R. <i>Lincoln.</i>	Baines, George, <i>Worcester.</i>
Fookes, Woodford, <i>Exeter.</i>	Brewster, Waldegrave, <i>Trinity.</i>
Gausсен, Frederick C. <i>Christ Church.</i>	Long, William, <i>Balliol.</i>
	Morland William C. <i>Christ Church.</i>
	Wollaston, Charles B. <i>Exeter.</i>

EXAMINERS.

<i>Lit. Hum.</i>	<i>Dis. Math.</i>
R. Hussey.	J. Twiss.
F. Dayman.	J. Walker.
W. Palmer.	E. Cockey.
U. Wall.	

CHANCELLOR'S PRIZES.

Latin Prose Composition .....	William Dickinson, <i>Trinity.</i>
English Prose .....	T. H. Haddan, <i>Exeter.</i>
Latin Verse .....	Fras. Chas. Trower, <i>Balliol.</i>
Newdigate English Verse .....	Thos. Wm. Allies, <i>Wadham.</i>
Prize Theological Essay .....	T. D. Bernard, <i>Exeter.</i>
Denyer's Theological Prizes .....	{ Robert Scott, <i>Balliol.</i>
	{ Thomas Wm. Allies, <i>Wadham.</i>

UNIVERSITY OF CAMBRIDGE.

EXAMINATIONS. MATHEMATICAL TRIPOS, 1838.

Moderators.	{ Edwin Steventon, M. A. <i>Corpus.</i>
	{ William H. Miller, M.A. <i>St. John's.</i>
Examiners.	{ James W. L. Heaviside, M. A. <i>Sidney.</i>
	{ Henry Philpott, M. A. <i>Catherine Hall.</i>

Wranglers.

Des. Main .....	<i>John's.</i>	Boutflower .....	<i>John's.</i>
Mould .....	<i>Corpus.</i>	Exley .....	<i>John's.</i>
O'Brien .....	<i>Caius.</i>	Hodgson, B. ....	<i>Trinity.</i>
Blackall .....	<i>John's.</i>	Jackson .....	<i>Caius.</i>
Heath .....	<i>Trinity.</i>	Parish .....	<i>Peter's.</i>
Potter .....	<i>Queen's.</i>	Clark .....	<i>Christ.</i>
Chance .....	<i>Trinity.</i>	Marsh .....	<i>Caius.</i>
Moon .....	<i>Queen's.</i>	Fletcher .....	<i>John's.</i>
Docker .....	<i>John's.</i>	Denison .....	<i>Trinity.</i>
Sparke .....	<i>Clare.</i>	Loy .....	<i>Caius.</i>
Walker .....	<i>Caius.</i>	Playfair .....	<i>Trinity.</i>
Horner, γ. ....	<i>Clare.</i>	Loveday, γ. ....	<i>Peter's.</i>
Drake .....	<i>John's.</i>	Brackenbury, γ. }	<i>Eq. { John's.</i>
Currey, α. ....	<i>John's.</i>	Kingsley, .... }	<i>Sidney.</i>
Edleston, β. ....	<i>Trinity.</i>	May, α. ....	<i>Magdalen.</i>
Mould .....	<i>John's.</i>	Pugh .....	<i>John's.</i>
Manly .....	<i>John's.</i>	Guillemard α. ....	<i>Pembroke.</i>
Pollard .....	<i>Trinity.</i>	Frere, α. ....	<i>Trinity.</i>
Fane, γ. ....	<i>John's.</i>	Webster .....	<i>Jesus.</i>
Townson .....	<i>Queen's.</i>	Lawson .....	<i>John's.</i>
Woolley .....	<i>Emmanuel.</i>	Morton .....	<i>Corpus.</i>
		Grote .....	<i>Pembroke.</i>

Willock ..... *Magdalen.*  
Atkinson ..... *John's.*

*Senior Optimes.*

Ds. Nagle ..... *Caius.*  
Hubbersty ..... *Peter's.*  
Smith ..... *John's.*  
Jones, H. H. .... *Trinity.*  
Illingnorth ..... *Clare.*  
Roach ..... *Pembroke.*  
Nicholson ..... *Trinity.*  
Kelk ..... *John's.*  
Goodwin, a. .... *Catherine.*  
Vaughan, a. .... *Trinity.*  
Barlow, γ. .... *John's.*  
Carr ..... *Trinity.*  
Russell ..... *Trinity.*  
Roberts, β. .... *Trinity.*  
Francis ..... *Christ's.*  
Hopwood ..... *Queen's.*  
Smith ..... *Caius.*  
Ellis, γ. .. } *Æq.* { *John's.*  
Maltby .. } *John's.*  
Hitchen ..... *Pembroke.*  
King ..... *John's.*  
Stanford ..... *Christ's.*  
Bersey, β. .... *John's.*  
Lyttleton, Lord α. .. *Trinity.*  
Goodwin ..... *Corpus.*  
Cook ..... *Corpus.*  
Burrow ..... *Emmanuel.*  
Green, γ. .... *Peter's.*  
Goldfinch ..... *Trinity.*  
Bird, γ. .... *Trinity.*  
Gibbons ..... *Pembroke.*  
Roe, β. .... *Caius.*  
Turner ..... *Christ's.*  
Prowett, a. .... *Caius.*  
Almond ..... *Peter's.*  
Green ..... *Christ's.*  
Hardcastle, α. .... *Trinity.*  
Parkinson, α. .... *John's.*

*Junior Optimes.*

Ds. Ringdon, β. .... *Trinity.*  
Bramah ..... *Clare.*  
Green ..... *Catherine.*  
Budd ..... *John's.*  
Foote ..... *Pembroke.*  
Bromehead ..... *Caius.*  
Bowles ..... *Pembroke.*  
Pennington ..... *Trinity.*  
Christie ..... *Trinity.*  
Fowler, β. .... *Sidney.*  
Venua ..... *Jesus.*  
Jennings ..... *Queen's.*  
Lingwood ..... *Christ's.*  
Forsyth, α. .... *Trinity.*  
Marshall, γ. .... *Jesus.*  
Baker ..... *Trinity.*  
Jones, W. H. } *Trinity.*  
Walmisley \. } *Jesus.*  
Metcalf, β. ... } *John's.*  
Montriau .. } *Pembroke.*  
Darling, γ. .... *John's.*  
Thornton, β. .... *Trinity.*  
Wood ..... } *Peter's.*  
Woolcock .. } *Catherine.*  
Wilson ..... } *Catherine.*  
Wood ..... } *John's.*  
Fitzgerald ..... *John's.*  
Venn ..... *Peter's.*  
Boddy ..... *John's.*  
Smith ..... *Trinity.*  
Halsted .. } *Trinity Hall.*  
Simpson .. } *Queen's.*  
Bucknorth ..... *Trinity.*  
Drake, α. ... } *Jesus.*  
Smith .... } *Magdalen.*  
Spencer ..... *Pembroke.*  
Pooley ..... } *John's.*  
Thompson, α. } *John's.*  
Napier ..... *Trinity.*  
Cohen, β. ... } *Pembroke.*  
Sewell .... } *Caius.*

## CLASSICAL TRIPOS, 1838.

Examiners. { James Hildyard, M.A., *Christ's.*  
George John Kennedy, M.A., *John's.*  
John Wordsworth, M.A., *Trinity.*  
George Stovin Venables, M.A., *Jesus.*

*First Class.*

Ds. Lord Lyttleton } *Æq.* { *Trinity.*  
Vaughan ..... } *Trinity.*  
May ..... *Magdalen.*  
Currey ..... *John's.*  
Frere ..... *Trinity.*  
Guillemard ..... *Pembroke.*

Ds. Thompson ..... *John's.*  
Parkinson ..... *John's.*  
Goodwin ..... *Catherine.*  
Drake ..... *Jesus.*  
Hardcastle ..... *Trinity.*  
Forsyth .... } *Trinity.*  
Bowett .... } *Caius.*

*Second Class.*

Ds. Edleston ..... *Trinity.*  
 Thornton ..... *Trinity.*  
 Metcalfe ..... *John's.*  
 Roberts ..... *Trinity.*  
 Roe ..... *Caius.*  
 Fowler ..... *Sidney.*  
 Cohen ..... *Pembroke.*  
 Ringdon ..... *Trinity.*  
 Bersey ..... *John's.*  
 Hodgson ..... *Trinity.*

*Third Class.*

Ds. Barlow ..... *John's.*  
 Horner ..... *Clare.*  
 Green ..... *Peter's.*  
 Brackenbury ..... *John's.*  
 Bird ..... *Trinity.*  
 Fane ..... *John's.*  
 Ellis ..... *John's.*  
 Marshall ..... *Jesus.*  
 Darling ..... *John's.*  
 Loveday ..... *Peter's.*

SMITH'S PRIZEMEN, 1838. { Thomas John Main ..... *St. John's.*  
 { James George Mould .... *Corpus.*

SIR W. BROWNE'S MEDALLISTS. { Greek Ode ..... None adjudged.  
 { Latin Ode ..... Edward Balston, *Kings.*  
 { Epigram ..... Philip Freeman, *Trinity.*

CHANCELLOR'S MEDALLISTS, 1838. { Charles J. Vaughan } *Æq.* { *Trinity.*  
 { Lord Lyttleton .... } *Trinity.*

CRAVEN SCHOLAR, 1838. .... Philip Freeman, *Trinity.*

SEATONIAN PRIZEMAN ..... T. E. Hankinson, *Corpus.*

HULSE PRIZEMAN ..... Daniel Moore, *Catherine.*

MEMBER'S PRIZEMAN ..... Bachelor, John S. Howson, *Trinity.*

BELL'S SCHOLARS, 1838. { Charles J. Ellicott } *Æq.* { *John's.*  
 { Thomas Robinson } *Trinity.*

UNDERGRADUATES. { Henry A. Woodham, *Jesus.*  
 { H. Thomas Riley, *Clare.*

BATTIE SCHOLAR ..... Rowland Williams, *King's.*

PORSON PRIZEMAN ..... Thomas Evans, *John's.*

TYRWHITT SCHOLARS. { *First Class* .... Thomas Coward, *Queen's.*  
 { *Second Class* .. Richard A. F. Barrett, *King's.*

CHANCELLOR'S ENGLISH PRIZEMAN .... W. Spicer Wood, *John's.*

CROSSE SCHOLAR .... W. H. Guillemard, *Pembroke.*

## LAW CASES AND NARRATIVES.

FEB. 8.

*Commission of Lunacy.*

AN inquiry which occupied fifteen days, and excited great interest, took place at the Gray's-Inn Coffee-house, Holborn, as to the state of mind of Mr. George Davenport, of Paradise-row, Stoke Newington, a gentleman of considerable fortune.

Mr. Davenport's father died in the year 1834, leaving behind him two sons. Mr. George Davenport was left with 20,000*l.* in the 3 per Cent. Consols during life, and 25,000*l.* over which he was to have absolute control, as also a reversionary interest in the remainder of the property. In May last he married his wife, and soon after they set out on a journey to South Wales, and enjoyed the greatest possible happiness in each other's society. In July there was something about his manner that struck her as being very singular, and circumstances afterwards occurred that induced this inquiry.

Mr. Davenport was excessively charitable, and would frequently remark, that it was not the duty of a Christian man to refuse any application that was made to him, and the consequence was, that his property had been reduced to about 10,000*l.*

The first witness, Rebecca Jackson, deposed as follows:—

I came into the service of Mr. Davenport on the 21st of June. After I had been about a fortnight, I observed something peculiar in his manner, but more particularly at family prayers, which were generally extempore. In the month of August he said while praying, "There is a curse coming upon Great Britain, and I must go to the Isle of Man. I am thankful there is one way of escape for me, and every one who goes with me should think it a blessing." He then struck the chair with his hand at which he was kneeling, and said, "We must strike our tents, and be gone." In the same month he left his house, and I was called up at three o'clock in the morning by my mistress, who was very distressed, to search for him. Between four and five o'clock he returned, and I let him in. He looked wildly, and laughed, and asked me why I was up? I did not like to tell him that I had been looking after him, and I replied that I got up to get mistress a cup of tea, and he then went to bed. On the Monday following he left home at five o'clock in the morning, and he was followed by Mrs. Davenport on the Thursday. He left word before leaving town for Mr. But-



ler, a plumber, to remove a water-closet in the house, as he said it was an abomination unto the Lord. The witness then detailed several hasty departures of Mr. Davenport, and continued:—"On the 29th of September he appeared to be in a very distressed state of mind, and I asked him if he would allow me to make him some coffee. He replied in the negative, adding, that bread and water were good enough for him. He had nothing else all that day and the next. He did not speak to my mistress or assign any reason for it. On the Thursday after he came into the kitchen to me and said, he wished to have twelve poor people to dine with him every day, and he asked me what things I should require, and he would go and order them. I told him that I should want some common knives and forks and a table. He afterwards sent a carpenter, of whom he had ordered six deal tables, and who brought home two on the following Saturday. On another occasion Mr. Davenport sent for a fly, and when it arrived he was engaged in prayers. He told us he was going to leave us for a season, and went away. He was absent from home about a fortnight, and on his return brought with him a strange boy, whom he employed of an evening, sometimes writing in his study, and sometimes in the drawing-room. On the Saturday previous to Christmas-day, during prayers, Mr. Davenport said, "This is the only house in which God dwells. Yes, there may be two or three more, but I am not certain." He afterwards said that the devil was in every room of the house, and that he went from the parlour to the kitchen. Mr. Davenport had prayers several times

during the next day (Sunday), at which several persons attended. After the 24th of December he opened his house every evening for prayers. Since then the prayers first commenced at eight o'clock, and continued until half-past nine in the morning. They began again about half-past ten o'clock, and ended about twenty minutes after one. They commenced a third time between two and three, and continued till near five o'clock. On the Saturday before Christmas Mr. Davenport said, that the Lord would not permit the devil to enter him as he did us. The devil would tempt William the footman to be proud, and despise good advice. He would tempt Rebecca (meaning witness) to be passionate. He would tempt Sarah the housemaid to be careless, and James, the boy he brought home with him, to be indolent. He added, that our mistress was looking too much after the things of this world, and, instead of going on to Canaan, they were all going back to Egypt. On the day after Christmas-day he read from the 6th to the 13th verse of the 13th chapter of Deuteronomy, which enjoins the stoning to death enticers of idolatry, however near they may be related. Mr. Davenport then said. "You see the commands that I have; they are the commands of God himself, and not the commands of man, and those commands I must obey." He then asked Mrs. Davenport if she would give her consent to have the things destroyed which were all God's, alluding to a dessert service which was on the table. He turned round, and taking two ornaments of painted glass which were on the mantelshelf in his hands, he said, "Now these things are my

property," and, breaking them, added "Now they are God's." He again asked my mistress if she would consent to the destruction of the dessert service, and she replied, that she would not oppose it. He directed the footman to take them into the garden and break them, and bury them in the earth. Mr. Davenport followed into the garden, and I heard a loud smashing.

Mr. Edward Harris, a member of the Society of Friends—I reside next door but one, and have been acquainted with Mr. Davenport for about six weeks; since then I have been in the daily habit of coming in and sitting with him. When upon the subject of benevolence he did not think it right to resist or restrain anybody from carrying out of the house what they thought proper. My opinion is, that if any sum was asked of him, or the whole of his property, he would give it away. He would let the furniture be taken out of his house with a deal of pleasure. On religious subjects he is certainly in error: for instance, he has said, the Devil appeared to him in the form of a beautiful lady, and in speaking of gratitude to the Almighty, he has said, that the chickens even felt it, as, after picking up any thing, they threw up their heads in token of thanks. He has said, that the Devil is present at all deliveries, and that a child never cries after its birth without being influenced by the Devil.

Daniel Church, coachman in the service of Mr. Davenport; entered his service in May last. At that period Mr. Davenport was married, on the 17th of the same month, when I had directions from him to purchase a carriage and

horses. The day after the ceremony I drove my master and mistress out, and they took a tour in the country for three or four months; observed nothing particular in his master's conduct until their arrival at Oxford, on their way back to London. At this place witness observed an alteration or wildness about Mr. Davenport's looks, and he, at a moment's notice, came off to London without assigning any reason for his hasty departure; he returned again to Oxford, and in the course of prayers expressed his hope, that God would support him under his afflictions. On the 28th of September, Mr. Davenport said to witness, that he intended to make him a present of his carriage and horses, adding, that he should make use of them for about a month longer, and then give them up to him. He said, that his carriage was an abomination, that it diverted his thoughts from other important subjects. In November last witness accompanied his master and mistress to Dover, where they remained for about a fortnight. He told me, that 60*l.* in the Isle of Man would go as far as 100*l.* here: he said he was going to build a church and a house there, and that the bishop was going to ordain him. On one occasion, while engaged at prayers at his father's house in the country, he prayed that the new chapel his brother built might be speedily placed under the control of the good bishop. I can't say whether that offended his father, but Mr. Davenport hastily rushed out of his father's house, and refused to sleep in it that night. About the beginning of last December I observed a great change in my

master, and quite felt for him. I doubt that my master is in that state as to be able to take care of his property.

Miss Margaret Davenport examined.—My father is cousin to Mr. George Davenport. I was invited to join Mr. and Mrs. Davenport in their trip to Dover. I remember Mr. Davenport saying to me, “Oh! Margaret, I have received an intimation from Heaven that some evil is coming over you.” The next day he was commenting on the 8th chapter of Romans, after family worship, and on my repeating “We shall be heirs of God and joint heirs with Christ,” he said to me, “Don’t say *we* shall be; if I am not equal to Christ now, I shall be exalted.” On the same afternoon he said, man was not a free agent, and “since you do not believe in the doctrine of predestination, I have the spirit of discernment given to me, and I believe you are destined for hell.” In the evening he read the 9th chapter of Romans, and in commenting upon it he said, “the soul that does not believe the doctrine of predestination, the angel of God will be employed in chaining that soul down to hell.” On the next morning he observed, that I was growing stout, and told me, that “no Christian would be saved who was fat and flourishing.” (A laugh.) During our stay at Dover we attended Charlton Church, and heard the Rev. Mr. Glover preach. I got a cold the evening after I arrived at Dover, and I wished to send for some medicine, and he objected, saying, “that no Christian ought to use human means to remove an affliction; that I had been afflicted for some particular sin, and if I repented I

should be cured of my cold, but no Christian ever employed medical men.” We went to Folkstone, and he said the apartments were so noisy that he could not collect his thoughts to write, and that he must go to some lonely house. The apartments were quite the reverse. He went to a lonely beer-house in the neighbourhood, and was continually writing. Afterwards he entered into a controversy with Mr. Glover as to whether the communion table should be called the altar or the table of the Lord, and used to write seven or eight pages daily, and send them directed to “R. P. Glover, priest of Christ’s Universal Church, near Dover.”

In returning to town, he tore up a book that had been lent him, entitled *Tracts for the Times*, and dispersing the leaves in the road, he violently exclaimed, “Here’s traps for the winds; here’s poison in this book that will send many a poor soul to hell.” He also observed that he wished he might live to see the day when church steeples would be used to burn up all the books that were written by man. He once jumped from the carriage while it was going at a good rate, and said it proceeded so slowly that he would go on by himself, and he should have more time for writing. Taking the whole time I was with him, he decidedly did not seem to have a perfect command of himself. Mrs. Davenport’s conduct towards him was perfectly what it should have been—kind and proper. On the Sunday after our return to Stoke Newington, he said in his prayer, “I am surrounded by evil spirits, I cannot love my wife—she is proud.” I visited at Newington for about

a week, and during that period he generally appeared very violent, but occasionally calm and tranquil. The violence generally came on when he took the Bible in his hand.

Mr. Edward Davenport Bryan, cousin to Mr. George Davenport.—On the 20th of December I saw him at his brother's warehouse, in Lime-street. Simon, a Jew, who knew Mr. Davenport, came to solicit charity, upon which Mr. Davenport violently cried out, "Simon, thou hast a devil in thee! Come out of him! Come out of him! Come out of him! Thou foul fiend and spirit of hell, come out of him!" He continued this for a quarter of an hour, and the poor Jew looked quite astonished, and replied "It aint in him, George." Mr. Davenport, on hearing his uncle coming down stairs, took up his hat, and ran out.

Margaret Augusta Surtees, niece of Mr. Davenport.—On the first Sunday in June I accompanied Mr. and Mrs. Davenport to Newington Church, for the purpose of receiving the sacrament. In the sermon, the clergyman invited us to come to the "*altar*" of the Lord. Mr. Davenport, on this account, declined receiving the sacrament.

This witness, and various others who followed, deposed to eccentricities on the part of Mr. Davenport, similar to those which have been noticed—all having reference, more or less, to his religious impressions. Among other instances of extraordinary liberality, he had given 6,500*l.* to the late Bishop of Sodor and Man, for the erection of churches on that island, and 3,000*l.* to the 'Rev. Mr. Mortimer, of Providence

Chapel, Gray's-inn Lane, for the erection of a College. It appeared, in fact, from the statement made by Mr. Davenport himself, in answer to the commissioners' enquiries, that during the four years that had elapsed since the death of his father, he had given away between 21,000*l.* and 22,000*l.* for charitable purposes.

During the course of the proceedings, the unfortunate gentleman was examined at very great length. His demeanour was calm, and his answers clear and rational. He gave a distinct account of the manner in which he had disposed of the large sums before-mentioned. He said he thought himself perfectly justified in making such gifts, and did not repent of doing anything likely to be productive of good. With respect to the large donation to the Bishop of Sodor and Man, Mr. Davenport observed, "I wished to give up the whole of my property to him for the support of the poor, and live upon the usual income of a clergyman, but he most particularly advised me to abandon that idea. I have heard that it has been said that the Bishop of Sodor and Man had laid a trap in my way. I do not think, taking the subject in every point of view, that he went so far as he might have done, and I am quite sure that, in the primitive ages of Christianity, much greater sacrifices were made to the bishops and churches than I have made to him. I do hope the public will lay nothing to his charge, whatever they may lay to me. He was a most kind-hearted man, and frequently impressed upon my mind not to give away my property so as to narrow, in the smallest degree, the comforts of my wife. The matter of

ordination was broken off by myself, and not by the bishop. I found that I had to take an oath which I could not do conscientiously, and I then wrote to the bishop, informing him of my scruples, and he accepted my views."

In explanation of some of the eccentric proceedings which had been brought forward against him, Mr. Davenport said, "I thought the purchase of an inn in Scotland a good speculation. I consulted Mrs. Davenport on the subject, and she said that she did not object to it. I thought such a building would be useful in that part of the country, particularly to travellers, and that it might also be the means of disseminating the truth of the works of the Lord. I made a present of my carriage and horses to Daniel Church, as a reward for his fidelity and attention. I was about putting down my carriage at the time, and had no further use for it. It might not, by some people, be considered a prudent act, but I am of a different opinion, and did it to assist a deserving man."

In reply to the commissioners' question, as to whether he believed he had the power of exorcising, Mr. Davenport said, "I believe man has no power of himself; but that the power of casting out devils that was given to the apostles is continued down to those to whom God has given faith. The Jew had been childish from his infancy, which prevented him exerting the proper actions of his mind, and I commanded the spirit to come out of him. There were persons in that house that had behaved maliciously to a boy, and I thought, if they had the imbecile spirit of the Jew, they

would do less mischief to their fellow-creatures. I kept my eye upon one man, and I believe the evil spirit entered him, because the Testament says the evil spirit wanders about seeking whom he might enter. The eye always indicates the motions of the mind. You can see by the eye whether a person entertains the feelings of love or of malice. I repeat that I believe every one has power to whom God has given faith. I did break the china ornaments which had been placed on the mantelpiece. I did so with the permission of Mrs. Davenport. I thought they were foolish things, and diverted the attention from matters that were of more importance; and I also had a dessert service broken, as I thought they were too much decorated for a plain Christian family, as I considered mine was; and in doing this I only followed the Scripture. I would not say that it was a sin to have a water-closet in one's house, but in exercising my own judgment on the subject, and after the perusal of the chapter referred to, I had it removed."

I am willing to make my wife comfortable and provide anything for her that necessity requires, but I do not think I am bound to supply her with superfluities and luxuries. I think the interest upon the 20,000*l.* that is tied up and her marriage settlement is a sufficient income to maintain her. I tore up the book called *Tracts for the Times* because it contained errors, and I wished to avoid their spreading. The poor people I invited to dine at my house was in conformity with a passage in the New Testament. When I said upon one occasion that I heard a voice desiring me to go to Glas-

gow and Dublin and other places, I meant the expression figuratively like the poets. In the conversation I had with Dr. Sutherland, I remember in discussing the ingratitude of man towards his Creator, having remarked, that brutes were more thankful for his gifts, and that even chickens in taking their food, threw back their heads in token of adoration and gratitude to the Almighty. In the event of my wife not having sanctioned the breaking of the china, I should have thought it wrong of her that she loved those things, but then I would not have acted contrary to her wishes. The Bishop of Sodor and Man and I did not agree on all religious subjects. We had some correspondence on the words "the altar of the Lord," mentioned in Scripture. I was of opinion the words "the table of the Lord" ought to be substituted as I conceived it a more plain designation, and that it would have had no reference to the Roman Catholic religion. I have lived some days on bread and water, and did so thinking it was more profitable to body and mind. I believe that medical men know the treatment of bodily diseases. I do not consider myself a single individual personifying our Saviour, but I am of opinion that, like the disciples, I was sent on earth to fulfil a divine purpose. In conclusion, Mr. Davenport very impressively remarked, that many of the things which now appeared strange to men, would be unravelled by the light of eternity.

A further mass of evidence was brought forward on behalf of the executors of the late Bishop of Sodor and Man against the commission.

Among the witnesses examined

were, the Rev. William Perceval Ward, son of the Bishop, Dr. Pusey, Regius Professor of Hebrew at Oxford, the Bishop of Lincoln, Archdeacon Goddard, and others. None of these gentlemen had seen any marks of unsoundness of mind in Mr. Davenport. They considered him to be a person of strong religious feelings, who believed it to be his duty to devote great part of his property towards religious purposes. The chief Commissioner, in summing up the evidence, told the jury that the question they had to try was, whether Mr. Davenport was so far insane as to be incapable of taking care of himself and his property; and although he admitted that it was most important that they should not leave out of their minds altogether what had been the habits and manners of life of Mr. Davenport, and more particularly his religious habits, yet that was not the foundation on which they were to bottom their verdict. The sole question they had to try was, whether now, and how long since, in the language of the law, he had been *non compos mentis*.

The summing up occupied about six hours and a half, and after rather more than an hour's consideration, fourteen out of the twenty gentlemen that composed the jury, returned a verdict—"That at the time of the taking of the inquisition, George Davenport was a person of unsound mind, and that he has been in the same state of unsoundness of mind from the 31st of July, 1837." The remaining six jurymen, it was understood, entertained a different opinion. Throughout the proceedings the court was daily crowded to excess.



CENTRAL CRIMINAL COURT,  
APRIL 9.

*Alleged Forgery of a Will.*

Thomas Williams. Esq., of Bryn-brass Castle, near Carnarvon, was indicted for having, on the 19th day of July previous, uttered certain forged documents purporting to be the last will and testament, of Jones Panton, Esq., deceased, late of Brynbras Castle and Plas-gwyn, in the same county, with intent to defraud Barnard Panton, Esq., and other the next of kin of the deceased, he well-knowing the same to be forged.

It appeared that the prisoner formerly practised as an attorney in Wales, but having in the year 1828 married a daughter of Mr. Jones Panton, the testator, immediately discontinued his profession and lived upon his property.

Mr. Panton's death happened on the 24th May, 1837, and the family, according to the custom of the country, assembled at the castle after the funeral, to hear the will read; but in consequence of the prisoner having abruptly absented himself, the reading was postponed until the 9th of June following. By this will and its codicil, which were dated severally in November 1828 and November 1829, after reciting a deed of settlement of certain estates on the elder son (who afterwards died), the testator devised his unsettled property to his male and female children in equal shares. A codicil added in 1831, however, revoked part of the bequests named in the previous testament, and constituted his fourth son (viz. the prosecutor), heir and sole executor. The prisoner allowed the prosecutor to prove this will with-

out raising any objection, and shortly after entered a *caveat* against it, and mentioned that he had in his possession a will in which the testator had appointed him sole executor, and his wife the principal and residuary legatee. The body of this second will was in the handwriting of the prisoner, and consisted of eleven scrips, one of which bore the date of the 7th of May, 1837, and on all of which by the aid of strong glasses, pencil marks were discoverable.

The original subscribing witnesses were the prisoner John Williams, the prisoner's man servant, since dead, and two of his maids, Ellen Evans and Ann Williams. These last were in consequence indicted on a similar charge to that on which their master was tried. It was admitted that the signatures were in the testator's handwriting, but it was contended that the documents were not in existence at the time of his death, and that they were subsequently fabricated by the prisoner in a very curious manner. It was alleged that the testator's signature had been obtained to certain pencil documents which were afterwards rubbed out, and the will written over. For the prosecution the following witnesses were called. Among others, whose evidence is less material,

Thomas Williams, esq., is an attorney at Carnarvon, his daughter married Mr. Panton, the prosecutor, in the year 1832. Witness prepared the second codicil (produced) in the year 1831; and he and his two clerks attested it when executed by the testator. Prepared another codicil on the 29th of May, 1833, by the direction of the deceased. It, among other things, revoked a bequest of 400l.

to Lauretta Maria Williams, wife of the prisoner, and reduced the sum to 200*l*.

Mr. Panton (the deceased) was a man of great property. Was aware when his daughter married the prosecutor, what interest he had in the will. They have only one child living. They lived on terms of great affection with the deceased. The grandchild was a great favourite. Never was aware of any change of affection down to the time of his death, the 26th of May last. Witness saw him on the 12th. Received a letter, requesting him to take the will to the mansion of the deceased. It had been in his possession ever since the execution of the last codicil. They were read over to him. At that time there was no apparent change in his health. The deceased said he wished to give Mrs. Williams 2,000*l*., instead of 200*l*. in the former codicil. He said he wished to give to Barton's daughter (his grandchild) 3,000*l*., to be payable at the age of twenty-one. He said, "I shall not do it to-day, you shall do it some time else." No third person was present at this conversation. Mr. Barton Panton afterwards came in, and the will having been sealed up; the deceased said to him, "Here, take my last will and codicils, take and keep them."

Cross-examined.—The deceased once brought a charge against the prisoner respecting a diamond ring. The prisoner had an action brought against him by a lady for a breach of promise of marriage. It was his clerk found out there were some pencil marks on the disputed documents during the inquiry before the examiners in the month of January last.

George Bettys, a slate-mer-

chant, at Caernarvon, was on intimate terms with the deceased. Deceased always appeared to be very fond of the prosecutor, his wife, and child. Remembers being engaged to go to Chester races last year with Mr. Barton Panton on the 3rd of May, but he did not go, as Mr. Panton complained of a severe cold. He (Mr. Bettys) remained with him all that day. The next morning, Mr. Panton told his son to go to the library and bring down a roll of papers. The deceased said, "Here, Barton, are receipts for stock and funds to the amount of 29,000*l*. or 30,000*l*. I have given you all the money I have got in the house, and at Hol-lywell and Mould's, the bankers." He also told him he gave him all the arrears of rent due on the respective estates. He also said, "I also give you all my interest in canal and mine shares, as well as all my plate, books, wine (handing the keys of the cellar), my farming stock and all my personalities of every kind." He enjoined his son to take care of Ann and little missey, meaning Mrs. and Miss Panton, observing that he could not be long with them. Had an interview with Mr. Rumsey Williams, the father of Mrs. B. Panton, on the subject of this conversation. Mr. Panton said to witness, "when you called upon me previous to the marriage of my son with Miss Williams, I told you that if they lived with me until my death they should have the bulk of my property. Now you have seen my promise realised." Saw the deceased on the 13th of May. He died on the 26th of that month. Was with him daily down to the day of his death, and attended the funeral, to which the prisoner came very late, and he

was not seen after the mourners left the churchyard.

W. Barton Panton, esq.: I am at present high sheriff for the county of Anglesey. I am the youngest son of the late Barton Panton, esq. My father came into considerable property by the death of my uncle. I always lived with my father from my cradle to the time of his death. We were very affectionate to each other. I married in 1832, when my father stipulated that we should live with him, and that was assented to. Witness and wife always administered his medicine to the time of his death. The intimacy and affection never diminished. After my father brought an action, the prisoner seldom visited them. I knew of my father's testamentary paper at the time I was married. I had engaged to go to Chester races, but my father wished me to stop at home, as he had something important to say to me. He gave me all his property.—[The witness here detailed the conversation related by Mr. Bettys.] This was about three weeks before my father died. My father gave me a long sealed paper parcel, in the presence of my father-in-law (Mr. R. Williams), and said, "Here, Barton, this is my last will and testament, with the codicils." I would not have the will read after the funeral, because the prisoner had withdrawn from the company. A few days after the funeral the prisoner and his brother came to him in his carriage, and said, "Have you anything to say to me?" I said I was busy looking over the papers, and he went away. The prisoner afterwards saw the will, and took notes from it. Never heard that he had a will until the 26th of July. When he ascertained the

fact, he gave instructions for the proof of the will to be opposed in the proper office.

Cross-examined. — My father told me the contents of the will on which I claim, shortly before his death. He always after the death of my brothers told me he had made a will in my favour. My father and my deceased brother, Paul, were not friendly. He had not seen him for seven years before his death. My father was not out of the house on the 7th of May, 1837. I did not go to church that day. It was a wet day. My father was sitting in the parlour. The butler, footman, and other servants were at home. Mr. Hugh Price was there as a visitor to my father.

Hugh Williams Price, Comptroller of Customs at Beaumaris. Had known Mr. Panton, sen., fourteen years before his death, and was very intimate with him. Knows that he entertained a great affection for the prosecutor, and his wife and child. Has heard him make express declarations respecting them. He said, he had provided very handsomely for his son. • He was at the house of Mr. Panton on Sunday, the 7th of May, the morning of which was fine, but it was stormy and hailed towards noon. Knows Mr. Williams (the prisoner), but did not see him there that day. Witness did not remain in the house with the old gentleman all the day. He was never away more than half an hour at a time. He walked out with the old gentleman on that day, but did not go more than 400 yards or so from the house.

Several of the servants of the late Mr. Panton were called to prove, that on the 7th of May, the date of one of the alleged forged

documents, their master did not leave the house, and that the prisoner had not come to Plasgwyn. Several hours were employed in the examination of the scrips, on which a kind of ground plan, and the names of some streets in London, and the words E. D. R. Hurlock, were traceable. This gentleman being called, proved, that that he had been tenant in common with the deceased of some houses in various streets in London, and that negotiations had passed between them through the medium of the prisoner on the subject.

For the defence, — Thomas Owen, the prisoner's coachman, swore, that on the 7th of May he drove his master to Plasgwyn, and that on the road thither, and about twelve miles from the house he met Mr. Barton Panton, Mr. Betts, and Mr. Price, on horseback.

The Rev. Getting Williams, brother to the prisoner, was next called.—He confirmed the evidence of the last witness as to his brother's visit to Plasgwyn on the 7th of May, and added the following important testimony:—"At the latter end of March I was at Plasgwyn with my brother and his wife. After my brother and sister had left the room, Mr. Panton said to me, "If anything happens to Tom, I must beg of you to take care of poor Laretta, as I have left Tom my executor." I did not mention this conversation to my brother until after the demise of Mr. Panton, when my brother told me, that he was Mr. Panton's executor. I told him, I was aware of that fact, Mr. Panton having told me so. It was by my advice that my brother did not immediately after the testator's death make known that he

had a will in his possession. I said, that under all the circumstance Mr. Barton Panton having already produced a will, it would be better for him to go to London and consult his proctor how to act.

Mr. Williams's two maid-servants being brought up from Newgate to give their evidence, distinctly swore to having witnessed the signing, sealing, and delivering of the disputed documents by Mr. Panton on several occasions during the years 1834 and 1836, at Brynbrass Castle, and to having put their signatures to the same.

Their testimony was given with great clearness, and completely established the innocence of the prisoner, who, consequently, received a verdict of acquittal.

The trial occupied five days, and excited great interest.

#### COURT OF CHANCERY.

20th.

##### *In re Davenport.*

Mr. Richards and Mr. Chandless appeared in support of a petition, which prayed, that the executors of the late Bishop of Sodor and Man might be directed to re-transfer to the account of Mr. Davenport the sum of 6,000*l.* East-India dock stock. The lunacy of Mr. Davenport had been carried back to the 31st of July, 1837, and the stock in question had been transferred by him to the late bishop for charitable purposes at the beginning of November last. It was further prayed, that the costs might be paid out of Mr. Davenport's estate.

Mr. Russell said, he had to present a counter-petition. His client, Mr. Ward, the son of the Bishop of Sodor and Man; stated,

that his lordship had permitted him to attend on the commission, and defend the rights of the charity which Mr. Davenport had befriended, and he prayed to be allowed his costs incurred by so doing.

The Lord Chancellor said, the representatives of the Bishop of Sodor and Man had acted very properly in intervening upon the commission. Still the interposition had taken place, not for the benefit of Mr. Davenport, but for the sake of the charity, and they had availed themselves of the opportunity to investigate a question which the jury had determined against them. It had been suggested, that the Attorney-General might hereafter interfere on behalf of the charity; he would, therefore, direct the stock to be re-transferred to Mr. Davenport's estate, with previous notice to the Attorney-General, and also to the executors of the Bishop of Sodor and Man. It was clear that the bishop had no personal interest in the question, but he had escaped with as little expense as was possible under the circumstances, and the present petition must, therefore, be dismissed with costs.

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SEPTEMBER, 6.

MONTREAL—LOWER CANADA,

*Trial of the parties charged with the murder of the Volunteer Chartrand.*

François Nicholas, Amable Daunais; Joseph Pinsonnault, and Gideon Pinsonnault, were placed at the bar, on their trial for the murder of Joseph Armand dit Chartrand, on the 27th of November previous.

Etienne Langlois,—I am a carpenter, reside at L'Acadie. Went from home on horseback on Monday, in the latter part of November last; was met by one Garant, Gideon Pinsonnault (one of the prisoners), and others. Was forced to join the party, which consisted of fifteen persons, all armed but me. We went first to an inn kept by one Surprenant, and afterwards to the house of one Eloi Roy, situated on the Grand Ligne, there we found Bissonet, Nicholas, Daunais and the other, or Joseph Pinsonnault; and there it was that I first heard anything of Chartrand, with whom I was unacquainted. It was declared that Chartrand was at David Roy's whose house was the next nearest to us. Nicholas and Eloi Roy, junior, left us for the purpose of going to David Roy's pretending their object was to examine the work going on there. Up to this period Garant had been the leader or captain of the party. After about a quarter of an hour's absence, Nicholas and Garant went to Eloi Roy's. Almost immediately after their return, some one came to the door and exclaimed, "There he goes, now's the time if you wish to follow him." On going out of the house saw the man whom I afterwards knew to be Chartrand. He was on the road leading to St. John's. On observing him, Nicholas and Garant both cried out, "Come along my lads." We thereupon ran on, in a direction to intercept Chartrand. We had proceeded more than fifteen acres before he was overtaken by four of us. When we so overtook him, Nicholas was in the rear. The four alluded to led him back to Nicholas. We were then about half a league from Eloi Roy's

house. Nicholas, by signs with his cane, directed us to lead Chartrand into the fields, which we did. Nicholas then took the lead, and Chartrand was placed in the centre of the party. We conducted him to a small point of the wood, about twenty acres distant from any house, and there stopped. Nicholas then addressed Chartrand, and asked him if it were true, that he had declared there were oxen or pigs fit for killing at some certain place, which Nicholas did not however designate. Chartrand replied, that he had no recollection of having ever said so. Nicholas then asked him some other question having reference to the St. John's Volunteers. Chartrand denied having made the statement. Nicholas replied, "you said it, I myself heard you;" and added, "you may now make your peace with God;" then turning to his party, Nicholas asked them if Chartrand did not merit death for having said what he declared to have heard him utter. Some of the party cried out "yes," and thereupon either Nicholas or Beaulieu, I am positive one of the two, gave the command to fire, and five of the party in obedience to the order immediately fired at Chartrand. Beaulieu and Joseph Pinsonnault were of the number of those who fired. Chartrand fell, and in a few moments afterwards, vainly attempting to raise himself on his side, implored them to finish him; thereupon Joseph Pinsonnault, whose gun had been reloaded by Beaulieu and two others, again fired at Chartrand. He was reluctant to fire the second time, but did so in obedience to orders. We then left the spot, although Chartrand still moved a little. Neither Daunais nor Gideon Pin-

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sonnault had fired. The place where the murder was committed is situated between two concessions, respectively named Barnier and Beaujarret; and is about a league and a half distant from St. John's. After the party left the spot we separated, Nicholas went towards Barnier, I returned to Eloi Roy's, and the others went home; it was then about sun set. Chartrand wore blue cloth pantaloons, a black coat, and a blue camlet cloak. He was a tall man, and walked firmly and well when I saw him pass Roy's.

Cross-examined.—When I met the party, Garant had the command. I accompanied Garant from fear; he said the party was going to St. Charles. I and all accompanying Garant thought we were going thither. I believe the prisoners thought so likewise. When Chartrand received the second fire he was dying. Beaulieu ordered Joseph Pinsonnault to reload, the latter declined saying he would not fire again. Beaulieu forcibly put the gun in his hand, swearing, and ordering him to fire—threatening him if he declined. Witness was with the party, but did not fire.

Barthelemy Poisson, a lad of seventeen, had also accompanied the party, and confirmed the evidence of L'Anglois; except in asserting that the latter was one of those who fired upon Chartrand. He was positive he heard Nicholas give the command to fire as well as Beaulieu.

Jacques Surprenant.—Lived at L'Acadie. Kept a tavern there. I know René Garant. He came to my house in November last with several young men, all armed, about fifteen or sixteen in number. I know not if the prisoners were

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of the party. Nicholas was ; and he carried a flag or banner. They left my house to go to Eloi Roy's. Before leaving, they talked of going to St. Charles. I dissuaded them from going. I followed them. At Eloi Roy's they spoke of taking Chartrand, securing him with cords and chains, and keeping him a prisoner. I went to David Roy's where I saw Chartrand. He was dressed in a blue camlet cloak with a red sash round the waist. I told David Roy, the party intended to make Chartrand prisoner, and asked David Roy if he was of opinion to have him taken ; David Roy said he was not. I returned to Eloi Roy's, mounted my horse there, and went home. I was asked at Eloi Roy's by some one of the prisoners, if I had seen Chartrand at David Roy's ; I replied I had. Nicholas was at Eloi Roy's when I returned from David Roy's ; they stated respecting Chartrand that he was a bad man, that he wanted to devastate the *Coté* with fire and sword.

Eloi Roy.—I reside at L'Acadie, was at home in November last ; was at dinner when an armed party of young men about ten or twelve in number, came to my house. Cannot say who commanded them ; Nicholas was one of the party. He is a schoolmaster, and a well-informed man. I believe one or two of the party had bayonets. They told me they were going to St. Charles, and that a meeting was to be previously held at my house. I advised them not to go, saying they would be taken. Nicholas then said, if we do not go we will at all events take Chartrand ; give us some chains to secure him, and we will confine him in your cellar. I refused the chains ; and declared they should

not have my cellar for their intended purpose. Then some one of the party cried out, since we have no place wherein to confine him, let us kill him. Nicholas was the only one of the party I personally knew at the time, and therefore I cannot say if the other prisoners were present. I believed the proposition to kill Chartrand to have been made in jest. The parties soon after left my place. Nicholas gave the word of command, to do so ; saw a man about ten acres from me, apparently going from my brother's house. It was then I heard Nicholas give the word to leave ; Nicholas led the party ; they went in the direction of the man I supposed to have left my brother's house. Garrant, Surprenant, and some others did not accompany the party. About twilight, saw Langlois and some others returning in the direction of my house. Asked them what they had done with their prisoner. They replied, they had not been able to overtake him. Afterwards learned that Chartrand had been murdered.

David Roy, brother to last witness ; deposed that Chartrand called on him on business on a Monday, subsequently to All-Saints day ; that he remained an hour or two at his house, and left between one and two o'clock. Witness remembered Surprenant's calling on him the same day and speaking to him about securing Chartrand.

Pierre Hudon du Beaulieu. Am a bailiff. Was at Lore's at Beaujarrett on the 27th of November last, was there early in the afternoon and remained till about twilight. Petit Barnier is not far from Beaujarret ; the farms of both places join. While at Lore's I saw several persons pass, who

came from the direction of the Grand Ligne. The prisoners were of the number. They were all armed but Nicholas. Asked one of the party, Langlois, where they were going, but received no reply. Next asked Nicholas where he was going, and he replied he was in pursuit of a man who was desirous of committing arson. They were all running. Nicholas called out or whistled to the others in pursuit, and said to them, "wait for me my men;" saw my own son among the number, and called to him to stop; he promised he would do no harm, and went on with the rest. I had seen the man they were in pursuit of pass on the other side of the house shortly before that time.

Joseph Brethiaume. — On the 27th November last, was at the house of my employer's farmer, about thirty acres from the wood, on the Beaujarret road. Saw three men pass. They came from the Grand Ligne direction. Langlois and Beaulieu were two of the three. Spoke to Langlois, who made no reply. Soon after saw three or four of the men return. Nicholas was one of those who returned. They had a man with them clad in a blue cloak, red sash, and cap. Langlois said they were taking that man along with them as a prisoner. Saw them go to the wood. It was about three o'clock, p.m. All were armed but Nicholas.

François Bourassa, a farmer, who was in company with the last witness on the occasion in question, corroborated his evidence, and further deposed to having heard several shot fired in the wood alluded to, which was about twenty arpents from his house. He also deposed to having gone to

the spot next day, and seen there the body of Chartrand. Neither this witness, nor another who also had seen the body lying, mentioned the circumstance at the time. It appears they were afraid to do so, owing to the great political excitement prevailing in that part of the country.

The above evidence was confirmed by various other witnesses, and here the case for the crown was closed.

Mr. C. Mondelet, in the most extraordinary and seditious harangue ever heard within the walls of a temple of justice, appealed to the worst passions and most distorted prejudices of the jurors in behalf of his clients the prisoners at the bar. He contended, that the prosecution had been instituted and was carried on at the instance of the Executive, that the Government, afraid to accuse and try the prisoners before a jury of their fellow-countrymen, for alleged political offences, thus thought to gratify their malice and vindictiveness for the state delinquencies of his clients, by compassing their destruction in a covert and irregular manner. He attempted not to deny their participation in the massacre of the ill-fated Chartrand, but contended, that the offence imputed to them was merged and lost in the greater and more enormous crime of high treason; that the Government had not dared to prosecute them for that greater and more comprehensive transgression, and could not now wreak its vengeance against them, for its commission, but by means of the present paltry and obvious subterfuge; that their colleagues in guilt had dyed their hands in blood at St. Denis, St. Charles, and St. Eustache, and by the

Royal Proclamation were exempted from the consequences of their temerity and their guilt; that he recognised not the difference in degree of culpability between the shedding of the blood of one unarmed volunteer, and the taking of the lives of her Majesty's soldiers by the hundred; that the compatriots of the prisoners had been exonerated from all punishments for the latter act, and it would be a gross perversion of justice to convict the prisoners of a capital felony for having done the former. That the fault of the whole proceeding, if any fault there were in it, was to be imputed to the Government, and to the Government only, in not having preserved and enforced its authority; and in having permitted the country to fall into a state of anarchy, during the existence of which no man was accountable for his acts, however abhorrent to reason or adverse to justice.

The evidence of the witnesses called in the defence went chiefly to shew the state of anarchy and disaffection which prevailed at the time, and which rendered it unsafe to oppose the will of the majority. Garant, it was said, commanded in Papineau's name, and the general belief was, that refusal of his orders would be punished with death. With respect to the prisoners, Joseph Pinsonnault was asserted to be of a weak and timid character, and the others of quiet and inoffensive dispositions. In examining one witness, M. Mondelet asked if Chartrand was not esteemed a traitor to the cause of his country? The question, which excited universal surprise, largely mixed with disgust, was prohibited, the court declaring it to be indecent. In answer to another the witness

declared, that Chartrand was thought a spy.

The Attorney-general refuted all the cavils and sophisms sought to be raised and enforced by the prisoners' counsel; and concluded a very able speech by admonishing the jury of the important and elevated character of the trust they were about to exercise. After the Chief Justice had summed up the evidence, and explained the law applicable to the case, the jury retired; and in about half an hour, returning into court, delivered a verdict of *Not Guilty*, with regard to each and every of the prisoners.

ARCHES COURT, NOVEMBER 19.

*Brecks versus Woolfrey.*

This suit was brought by letters of request from the Vicar-General of the Bishop of Winchester, on the voluntary promotion of the Rev. John Brecks, vicar of Carisbrooke in the Isle of Wight. The articles alleged, that by the laws, customs, and usages of the realm, it is forbidden to erect in the churchyard of any parish, a tomb or headstone, or other monument, without the consent of the rector or vicar, or without a faculty for the purpose; and that it is by the 22nd article of the Church of England, agreed upon in 1562, declared that the Romish doctrine concerning purgatory, pardon, and other things therein mentioned, is "a fond thing, vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the word of God;" that any person erecting, or causing to be erected, in the churchyard of any parish, any monument without such consent or faculty, ought

to be peremptorily monished immediately to remove the same; and further, that if such monument contain any inscription contrary to the doctrine and discipline of the Church of England, and to the articles of the said church, the person or persons so offending ought not only to be peremptorily monished immediately to remove the same, but also duly corrected and punished according to law; that the defendant, notwithstanding, did erect a tomb or headstone in the churchyard of Carisbrooke, to the memory of her husband, without the consent of the vicar, and without a faculty, and that upon such tomb or headstone were contained, amongst other, the two following inscriptions—"Pray for the soul of J. Woolfrey;" and "It is a holy and wholesome thought to pray for the dead;" both which inscriptions were contrary to the doctrine and discipline of the Church of England, and to the articles, canons, and constitutions thereof, and particularly to the 22nd article; that due notice had been given to the defendant to remove the stone, but she had refused, or neglected to do so, and that the same still remain to the great scandal and offence of the parishioners and others. The prayer that the defendant be decreed and monished to remove the stone, and be canonically corrected and punished, and condemned in the costs.

Dr. Addams, for the defendant, entered into a long argument, and quoted many authorities, to prove that prayers for the dead were neither unscriptural nor contrary to the doctrine or practice of the Church of England, nor necessarily connected with the Popish doctrine of purgatory. The Queen's Ad-

vocate spoke on the other side, and moved the court to issue a "peremptory monition" for the removal of the monument.

On the 12th December following Sir Herbert Jenner gave judgment. He commenced by stating the nature of the offence charged against Mrs. Woolfrey, namely, the having erected a tombstone with an inscription described in the citation as "contrary to the articles, canons, and constitutions, and to the doctrines and discipline of the Church of England." The first question was, whether the inscription was perfectly described; in other words, was the inscription itself proper or improper? The promoter of the suit was bound to prove its illegality; and he would say that the minister of the parish was the proper person to promote the suit in cases where the interference of the Court was required to prevent churchyards from being made instruments of propagating doctrines opposed to those of the Church of England. It appeared to him, that the whole question turned upon the point, whether praying for the dead was necessarily connected with the Romish doctrine of purgatory, so as to make them inseparable. It was the doctrine of Purgatory that the Articles of the Church denounced; and beyond the Articles the court could not go. It was necessary, therefore, to enquire what was the Romish doctrine of purgatory. The judge then went into a learned history of the origin and progress of the doctrine, and he came to the conclusion, that it was not introduced till the year 593, whilst the practice of praying for the dead prevailed at a much earlier period. He quoted the works of Jeremy Taylor, the

formula of Henry the Eighth, the Book of Common Prayer, promulgated by Edward the Sixth, and other documents, to prove that prayers for the dead had been duly authorised by the Protestant Church of England. There could, therefore, be no doubt that prayers for the dead were not considered as part of the Romish doctrine of Purgatory, by the fathers of the English Reformed Church. It was, however, against that doctrine that the 22nd Article chiefly relied on, was directed. It was urged that the 35th Article, which set forth certain homilies as containing good and wholesome doctrine, was decisive against prayers for the dead; for the Homily No. 7, it was alleged, designated such prayers as erroneous. But though erroneous, they were not denounced as unlawful; and on this head also he was of opinion, that there had been no violation of the Articles of the Church of England. It was again maintained, that the words "It is a holy and wholesome thought to pray for the dead," were not those used in the English version of Maccabees: but then, he considered the main point to be, not whether they were according to the Romish or Protestant version, but whether they were consistent with the latter, and not opposed to the doctrine of the Church. The citation was also defective: it ought to have stated that the tombstone was erected without the consent of the Vicar; and the defendant might have been prepared with an answer to what was a distinct and separate offence. The citation was insufficient to raise that point. On this last head, therefore, the articles were also inadmissible, and must be *dismissed with costs*.

22.—IN THE COURT OF QUEEN'S BENCH.—*Case of Libel*.—The Attorney-General showed cause against a rule for a criminal information, obtained by the Marquess of Blandford against the publisher of the *Satirist* newspaper. The Marchioness of Blandford and her children were also parties to the application on which the rule was granted. The complaint against the newspaper was for the publication of a libel impugning the legality of the marriage of Lord Blandford, and the legitimacy of his children by that marriage. The libel alleged that the Marquess of Blandford, in 1817, married Miss Susan Adelaide Law, a young lady of seventeen, residing with her father and mother in Seymour Place Bryanstone Square; that he had a daughter by her; and took the mother and his child to Scotland, where Miss Law was introduced to the present Marquess of Breadalbane, Sir William Elliot, and Sir Tyrwhitt Jones, as his wife; that subsequently Lord Blandford married the daughter of the Earl of Galloway, and had children by her—the present Earl of Sunderland, and others, who were illegitimate. The affidavit of Lord Blandford, on which the rule for the criminal information was obtained, denied that there had been any marriage with Miss Law; though the parties had lived together, and 400*l.* a year had been paid to the lady as an allowance. Sir William Elliot and the Marquess of Breadalbane also made affidavits, that Miss Law had not been introduced to them as the lawful wife of Lord Blandford. Sir T. Jones was not in a condition to make an affidavit. The Attorney-general, for the defendant, produced an affidavit

by Miss Law ; who stated that the marriage ceremony between herself and the Marquess of Blandford had been performed by a person whom Lord Blandford represented as a clergyman, and his own brother, at her father's house ; that she subsequently discovered that the pretended clergyman was an officer in the army ; and that Lord Blandford having been taxed with the fraud, promised to take her to Scotland, where, by publicly acknowledging her as his wife, she would become so legally. The parties in the mean while had been living together as Captain and Mrs. Lawson, in Manchester Street, Manchester Square ; and Miss Law had a child four months old when she went to Scotland, escorted, as far as Boroughbridge, by Colonel James Stuart, Lord Blandford's uncle, and the present Earl of Galloway, then Lord Garlies. At Boroughbridge she met Lord Blandford, who went with her to Carlisle ; and then she proceeded alone to Edinburgh, where lodgings had been taken for her by Sir William Elliott. The Marquess joined her in Edinburgh ; and they lived together as Captain and Mrs. Lawson. Soon afterwards returned to London, and was directed by the Marquess to take a furnished house ; but this she refused to do, when she heard of the intended marriage with Lord Galloway's daughter, which afterwards took place ; but she received an allowance of 400*l.* a-year through the Duchess of Marlborough, which sum had been recently cut down to 200*l.* Five years after her separation from the Marquess, that person made overtures for the renewal of the connexion ; which he on reflection thought proper to withdraw. These

were the chief facts stated by Miss Law. The defendant swore, that he had no malicious intent, and believed that the statements he published were true.

Sir William Follett, in support of the rule, contended, that the prosecutor's affidavit had not been met ; and that no proof was given of the legality of the marriage in 1817, which all the parties must have known to be a farce—at least if Miss Law was deceived, her father and mother could not have been ; but there was no affidavits from them. As to the acknowledgment of the marriage in Scotland, there were affidavits from Sir William Elliot and the Marquess of Breadalbane that Miss Law was not received as the Marchioness of Blandford ; and Sir William Elliot said, that he took the lodgings in Edinburgh for Mrs. Lawson alone, not for Captain and Mrs. Lawson. Miss Law had not been married, to be sure, since her connexion with Lord Blandford had terminated, but she had had a family of children. The defendant's justification had failed in essential points.

Mr. Richards, on behalf of the Marchioness of Blandford and her children, pressed the Court to make the rule absolute.

Lord Denman consulted with the other Judges, and then delivered the decision of the Court as follows :—

“ This is an application of a serious and interesting nature, both as regards the parties affected by it and as it relates to the principles on which we ought to administer justice with respect to criminal informations. I have not the least difficulty in saying, that if Lord Blandford alone had applied for this rule, I would never, for



one, have consented to make it absolute; for, upon his own statement, a strong imputation is conveyed on his own conduct towards a respectable young lady. Her statements are certainly of a nature to create suspicion; but that some contrivances were resorted to, I have no doubt whatever, and I do not think that we should be justified in pronouncing them to be perjured. But Lord Blandford is not the only person to be considered: his wife and family complain of a libel which attacks them in their dearest interests and most tender feelings, and distinctly puts forward a series of imputations, with respect to which, I agree with the learned counsel who have supported the rule, that there is

nothing in the affidavits on either side to show that such imputations are well founded. The Marquess of Blandford himself swears, that there was no marriage either in England or Scotland; and I do not find anything which, in fact, impeaches that statement. Considering, therefore, the interests of the individuals I have mentioned, and the importance of warning those who are disposed to traffic with character in this way, that they cannot be allowed to do so with impunity, I think we are justified in saying, notwithstanding the misconduct of Lord Blandford, that Lady Blandford, the Earl of Sunderland, and the rest of the issue of this marriage, are entitled to have this rule made absolute."

# PUBLIC DOCUMENTS.

## I. — DOMESTIC.

### COPIES OF EXTRACTS OF PAPERS RELATIVE TO THE AFFAIRS OF LOWER CANADA.

*Extract of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, June 29, 1837.*

“ MY LORD,—The interruption occasioned to the progress of the public business of the present Session of Parliament by the melancholy event of the demise of his late Majesty, renders it necessary for me to address you without delay, as to the course which it is proposed to adopt with reference to existing affairs in Lower Canada. Her Majesty’s Government feel, that in the prospect of an early dissolution of Parliament, it is impossible, consistently with a due regard to the public interest, to proceed during the present Session with several important measures already under the consideration of Parliament, but still in an incomplete state; and no less so to introduce any new measure, the immediate necessity for which is not so urgent as to render even a temporary postponement impracticable. Under these circumstances, it has been determined not to submit to Parliament

during the present Session, the bill to which I referred in my despatch of the 22nd ultimo, and which was to have been founded on the resolutions of both Houses of Parliament on the affairs of Lower Canada. While postponing measures of great public interest and importance connected with the affairs of this country, her Majesty’s Government cannot but think, that it would be unadvisable to adopt a different course with regard to a measure affecting the privileges of the legislature of Lower Canada. Much as they have always lamented the necessity of adopting such a measure under any circumstances, they would, at the present moment, feel a peculiar reluctance in resorting to it, as they would deeply regret, that one of the first legislative acts of the reign of her most gracious Majesty should carry even the semblance of an ungracious spirit towards the representatives of her Majesty’s loyal and faithful subjects in that province. At the same time, her Majesty’s Government have not overlooked the necessity of

making immediate provision for the discharge of the arrears due for public services in the colony ; and with this view, they have resolved to propose to the House of Commons, that a vote of credit should be passed for the advance, by way of loan, from the funds of this country, of the sum required for the payment of the arrears."

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*Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, July 14, 1837.*

"MY LORD,—The delay which has occurred in acting on the third report of the Commissioners of Inquiry in Lower Canada has not been occasioned by any serious doubt respecting the wisdom of the suggestions which they have there made for improving the constitution of the Executive Council of that province.

"The selection of the candidates best qualified for seats at that board has formed the real and almost the only difficulty. Your lordship is aware of the circumstances which have prevented our hitherto reaching a satisfactory conclusion as to the choice to be made ; and it would be superfluous to make any more particular reference to them in this place. The result, however, is, that I am still unable to submit to the Queen a list of new Executive Councillors.

"I feel, however, that it is impossible to acquiesce in further delay. I have, therefore, humbly advised the Queen to delegate to your lordship the duty of making the necessary appointments at once, without any further reference to her Majesty's Go-

vernment on the subject ; and I have accordingly received her Majesty's commands to convey to you her authority for immediately issuing commissions to any nine gentlemen to be of her Majesty's Executive Council in Lower Canada, whom your lordship shall consider best deserving of that trust. I need scarcely add, that until those appointments shall have received her Majesty's final confirmation, they must be regarded as provisional only.

"It would have been very satisfactory to me to have been able to submit to the Queen, warrants for her Majesty's signature, appointing the proposed new councillors by name. In that case they would have entered at once on the judicial as well as the administrative duties of the office. It is still more important to remark, that such nominations would have enabled the Queen to relieve the existing Executive Councillors from duties which I have reason to know have in some cases become onerous and irksome to them, while such members of the present board as have at once a just claim and a wish to remain of the Executive Council might have been re-appointed. The entire body would thus at once have acquired a new composition and character. The necessity of leaving a sufficient number of members competent to act judicially forbids the immediate adoption of this measure ; but it should be clearly understood by the whole council, that it is intended to dissolve and to re-constitute the board so soon as it shall be possible to lay before the Queen the names of the future members.

"In proceeding to execute the duty of selecting for immediate

and provisional appointments nine new councillors, your lordships will be guided by the principles laid down in the third report of the Commissioners of Inquiry. On mature reflection, her Majesty's Government are convinced of the foresight and wisdom by which the advice of the commissioners on this subject has been dictated; and without affecting to substitute any language of my own for theirs, I will, to prevent misapprehension, transcribe, although at the expense of a very long quotation, the precise passages of the report to which it is her Majesty's intention that effect should be given. They are as follow :—

“ ‘ 1. We are of opinion that, although not liable to be changed at the will of the Assembly, the Executive Council should be so composed as to secure as much as possible of the confidence of the people.

“ ‘ 2. The earliest complaint which was made related, as we have already said, to the too great connexion alleged to subsist between the two councils. On this point the Governor-in-chief has pronounced his intention to act upon the principle, that it is neither right nor consistent with the wholesome separation and independence of the principal bodies of the Government, that out of the limited number of Executive Councillors in this province, several should hold offices under the Legislative Council and House of Assembly. The adoption of this maxim will, we presume, go to the extent of what is wished in the province; for we do not suppose that any party would desire to render a seat in either of the legislative bodies incompatible with the office of Executive Councillor.

“ ‘ 3. Our own opinion is, that although the holding of office under the Crown ought not to be a disqualification, yet the number of office-holders in the council should never be considerable, probably not more than on an average one in four. We should further say, that there are some functionaries whose duties are such as to render it inexpedient to place them in the Executive Council, such for instance as the Civil Secretary of the Governor and the Attorney-general. The close connexion of the Civil Secretary with the Governor appears to us to furnish obvious reasons against his belonging to the Council; and with respect to the Attorney-general, as he is, in the matter of public prosecutions and in other duties, in some degree the servant of the Council, it would be somewhat incongruous that he should sit in it also.

“ ‘ 4. We recommend that it should never consist of a greater number than fifteen, nor (for any period exceeding six consecutive months) of less than nine. It seems prudent that this interval of six months should be allowed, to obviate any difficulties which might be experienced in filling up the Council on the occasion of any change of its members.

“ ‘ 5. We would advise that the councillors should be appointed in the name of his Majesty by the Governor, under the Great Seal of the province, and enter at once into all the rights of their office, but subject to confirmation or disallowance by his Majesty within a limited time, say one year.

“ ‘ 6. For reasons before mentioned, we think there should be no exclusion of persons holding office under Government, but that

in practice it would probably be expedient that the number of that description should not exceed one-fourth of the whole Council.

“ ‘ 7. We further submit, that amongst the Members of Council there should be no distinction as to powers, functions, or form of appointment, excepting that members holding paid offices under Government should not receive salary as councillors.

“ ‘ 8. We consider it desirable that the remainder of the councillors should be paid equally not less than the present amount of 100*l.* per annum; and that it should be proposed to the Assembly to provide for this in any permanent grant hereafter to be made by them; but should the Assembly object to the payment of an increased number of Executive Councillors, we scarcely think these salaries should be made an indispensable condition in any proposal that may be submitted to them on the basis of our first report. If all cannot be paid, the junior members might be required to serve without salary, in like manner as the office-holders.

“ ‘ 9. We should suggest, although of course no imperative rule can be laid down upon the subject, that in the Executive Council there should be at least one, and not more than three, Legislative Councillors; at least two, and not more than five, members of the Assembly; some gentlemen belonging to the class of landed proprietors, and others connected with commerce; one individual, at the least, of the legal profession; and that of the persons chosen for the Council, it should be endeavoured to take a moderate proportion from different districts of the province, though it

will be necessary that a number sufficient to insure at all times a quorum should be resident at or near the seat of Government.

“ ‘ 10. We think that the appointment of the councillors should not be made to last during good behaviour, nor require for its termination the assignment of any fault, but that the Governor should be able to remove them whenever on general grounds he might deem it advisable, reporting his reasons without delay to the Secretary of State.

“ ‘ 11. We would propose the following to be amongst the rules of the Council:—That during the presence of the Governor at the seat of Government, there should be stated days, not less than two in each month, on which the Council shall assemble without a summons.

“ ‘ 12. That it may be assembled by the Governor, by special summons, as often, and at such places, as he may think fit.

“ ‘ 13. That at each meeting of the Council every member shall be entitled to attend; and that in the issuing of summonses no limitation shall be established, save that rendered necessary by distance or difficulty of communication.

“ ‘ 14. That five shall be a quorum.

“ ‘ 15. That upon the internal affairs of the province, each Member of the Council shall have the right of suggesting measures or tendering advice, whether or not upon subjects introduced by the Governor; but that no measures affecting the relations of the province with the empire shall be discussed, unless they are brought forward by the Governor.

“ ‘ 16. That the Governor have the power of adjourning any question or subject of discussion, the fact of his doing so being noted on the proceedings.

“ ‘ 17. That the Governor have the power of acting in opposition to the majority of the Council; but that when he adopts that determination, he shall enter it on the minutes assigning his reasons or not, as he may prefer.

“ ‘ 18. That the members of the Council have the privilege of recording their dissent on the Council books, with or without their reasons, as they may prefer.

“ ‘ 19. That no meeting of Council shall be competent to act as such without the presence of the Governor; but that he shall have the power, as now, to refer business to it as to a committee in his absence, nothing done in that mode taking the form of a proceeding of Council until ratified when the Governor is present.

“ ‘ 20. That the foregoing rule shall be so far qualified in the Governor's absence from the seat of government as to authorise him to ratify, by letter or by any other mode that may be appointed for the purpose, any proceedings of Council which could not, without injury to the public service, be delayed.

“ ‘ 21. That whatever number of members of either branch of the Legislature may be included in the Executive Council, all communications to the Provincial Parliament shall continue to be made, as now, by message.

“ ‘ 22. That no oath of secrecy shall be taken, and that the members of the Executive Council shall not be considered solemnly bound to secrecy, except on occa-

sions when the Governor may summon them expressly to form a Council of Secrecy, or resolve any meeting into such a council.

“ ‘ 23. That before any recommendation of an appointment to the Legislative Council be sent to the Secretary of State, the Governor shall acquaint the Executive Council with it, and receive any observations they may make upon it; which observations, whether made collectively by the Council, or individually by any member or members of it, shall be transmitted to England at the same time with the recommendation of the Governor.

“ ‘ 24. We apprehend, that the Council must for the present remain charged with the duty of auditing accounts, as the erection of any other board of audit, or the creation of an auditor-general, is properly a subject for the consideration of the Legislature.

“ ‘ 25. There can be no hesitation in pronouncing the appellate jurisdiction entirely unsuited to the Executive Council, and full of objection. We think it far preferable that her Majesty should be empowered to assent to any act which may hereafter be passed in the province, than that the British Parliament should itself enact a new law on the mode of determining appeals in Canada.’

“ ‘ Subscribing in general to the justice of each of the preceding recommendations. Her Majesty's Government are of course aware, that, of the changes which are thus recommended, there are some which it is not within the limits of the royal prerogative to introduce and establish. For some of them the sanction of Parliament may be required, and there are others which it must rest with the



Council itself to adopt, to qualify, or to reject; and even with regard to such of the suggestions as are within the constitutional authority of the Crown, there may be questions of some difficulty as to the instruments and forms by which that authority should be exercised.

“ I have, therefore, to convey to your Lordship her Majesty’s commands, that you do give effect to such parts of the suggestions of the Commissioners of Inquiry already quoted as in the exercise of her Majesty’s delegated prerogative it may be competent for you to carry into execution, and that you avail yourself of the earliest opportunity of bringing under the consideration of the Council, after the new appointments shall have been made, the question, by what authority and by what instruments can effect be most conveniently given to such of those suggestions as it is beyond the competency of your Lordship, as Governor of the province, to carry into execution.

“ I have, &c.,

“ GLENELG.”

*Extracts of a Despatch from the Earl of Gosford to Lord Glenelg (marked “ Private and confidential”), dated Castle, St. Lewis, Sept. 8, 1837.*

“ Of late the meetings of the Papineau party have been less frequent; one object in having them in so many districts, previous to the meeting of the Legislature was, no doubt, to influence the votes in the Assembly, and it had this effect. The plan now seems to be to keep the country in a state of excitement by means of

a convention, or, as it is termed, a central committee, which meet regularly in Montreal, and at which M. Papineau and his party make a point, as I am informed, of attending. It is stated, that all orders and instructions to the local committees throughout the province emanate from that body, who profess to publish its proceedings in the *Vindicator* and *Minerve*; and though these proceedings have evidently a treasonable tendency, they have not as yet reached such a point as to make it wise or judicious for the Executive to institute legal proceedings against any of the parties concerned. The Attorney-general is now in Montreal, and I have strongly urged upon him the necessity of keeping a good look-out, and I am determined to have recourse to a court of law when an occasion occurs to justify such a step, but to attempt it without a strong case might do more harm than good. The injurious effects that must result from a convention, such as I have alluded to, are obvious. Had the Executive the power of suspending the Habeas Corpus, it would be in a better position to meet the difficulty, should the conduct of the conventionalists compel it to have recourse to more vigorous measures than the ordinary course of the law prescribes; and, from the madness of their acts now, I cannot but admit, that there is a possibility of my being driven to the necessity of exercising a power, that I should most gladly abstain from, if any other mode presented itself by which the designs of this party could be frustrated. However, should circumstances arise for apprehending such a crisis, it must be met by promptness, firmness, and deci-

sion ; to attempt anything of a temporizing character would be weak and futile. I should at once avail myself of the powers confided to me. We can now make no terms with M. Papineau ; you must either put him down, or submit to let him put you down ; there is no halting between two opinions. By at once increasing the power of the Executive, and suspending the constitution, you at once paralyse the designs of these mischievous men ; it would establish confidence in the minds of those disposed to peace and good government, and at no distant period you might be solicited to restore the constitution to the province, under arrangements better calculated to afford satisfaction than could be accomplished by any effort or proposal in the present state of things ; for, until you nullify Papineau's power, you can never be in a position to treat on anything like fair and liberal terms with a man of his extravagant, uncompromising, destructive views, exercising, as he does, complete control over the minds of many who have been too long accustomed to be under his yoke. As I stated in former letters, I do not expect any serious commotion ; at the same time, when I see so many clever unprincipled engines in action, yielding implicit obedience to the mandates of such a man as M. Papineau, it is impossible to set limits to the extent of mischief they may construct. The jealousy that exists between the two origins is also a powerful instrument in the hands of a convention or central committee, as before alluded to, and corresponding, as they no doubt do, with various parts of the province. The two extremes are doing incalculable

mischief, and must disgust every friend to liberal measures. The feelings of the great body of the French Canadians are decidedly loyal and favourable to peace and order, and it now rests with the Government, by wise and judicious measures, to protect them from the designs of those who are now working upon their credulity by the most gross misrepresentations and contrivances. The jealousy that existed between the two races I found upon my arrival here had reached such a height, that from the first I considered it one of the principal obstacles to a satisfactory adjustment of difficulties. I must, however, observe, that this has greatly diminished ; and I can reckon as friends to my administration a large proportion of the reasonable and liberal men of the province. The Ultras on both sides are struggling for ascendancy, and my determined opposition to the views of both in this respect perhaps may in some measure account for their hostility to me, but I cannot relinquish my principles on this point. It is a matter of great regret to me, that I could not at an earlier period have given a practical proof of my political views, and by acts to show my determination to redress certain grievances, which evidently called for it : however, it is too late now to talk of this. I was obliged to share with others in submitting to circumstances over which there was no control. My situation now is not an enviable one ; and, on every private consideration, I shall gladly relinquish it. It is probable, and indeed reasonable, that if matters here should come to extremities, you would prefer to have a man in my place who had not so

avowedly declared his wish to carry on his government on the principle of conciliation. In stating this, be assured at the same time, that I do not shrink from the difficulties which surround me, nor would I wish in any way to

embarrass the administration. A public despatch accompanies this, which enters more into official details.

“ I have, &c.

“ GOSFORD.”

COPY OF AN ORDINANCE PASSED IN THE SPECIAL COUNCIL.

*Anno Secundo Victoriae Reginae.*

“ CAP. I.—AN ORDINANCE TO PROVIDE FOR THE SECURITY OF THE PROVINCE OF LOWER CANADA.

“ Whereas divers persons, subjects of her Majesty in this province, have been charged with high treason and other offences of a treasonable nature, some of which said persons are at present in custody, and others have withdrawn themselves from the pursuit of justice beyond the limits of this province ; and whereas of the persons so charged and in custody those whose names follow—that is to say, Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchesault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson, all respectively now in the gaol of Montreal, in custody of the sheriff of Montreal, have severally acknowledged their participation in such high treason, and have submitted themselves to the will and pleasure of her Majesty. And whereas Louis Joseph Papineau, a member of the late Assembly of Lower Canada, and Speaker thereof, Cyrille Hector Octave Cote, also a member of the said late Assembly ; Julien Gagnon ; Robert Nelson, also a member of the said late Assembly ; Edmund Burke O'Callaghan, also

a member of the said late Assembly ; Edouard Etienne Rodier, also a member of the said late Assembly ; Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, a priest ; George E. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, all respectively subjects of her said Majesty, and against whom respectively warrants for high treason have been issued, have severally absconded from this province, and withdrawn themselves from the limits thereof, and from the pursuit of justice. And whereas it is her said Majesty's most gracious will and pleasure that no further proceedings shall be had or taken against any persons whomsoever on account of such high treason, or other offences of a treasonable nature, save and except as hereinafter provided ; but it is nevertheless expedient to provide for the present security of this province by effectually preventing the several persons whose names are hereinbefore set forth from being at large therein—be it therefore ordained and enacted by

his Excellency the Governor of the province of Lower Canada, by and with the consent and advice of the Special Council for the affairs of the said province of Lower Canada, constituted and assembled by virtue of an act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of her present Majesty, entitled 'An Act to make temporary provision for the Government of Lower Canada,' and it is hereby ordained and enacted by the authority aforesaid, that it shall and may be lawful for her Majesty to transport to her Majesty's islands of Bermuda, during her pleasure, the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson respectively, and to subject them or any of them to such restraints in the said islands as may be needful to prevent their return to this province. And it is further ordained and enacted, by and with the authority aforesaid, that if the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson respectively, or any of them, or if the said Louis Joseph Papineau, Cyrille Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Etienne Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault,

Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, against whom respectively such warrants for high treason have been issued, and also have so withdrawn themselves from the pursuit of justice as aforesaid, or any of them, shall at any time hereafter, except by permission of the Governor-General of her Majesty's provinces on the continent of North America and High Commissioner for the adjustment of certain important questions depending in the provinces of Upper and Lower Canada, or if there shall be no such Governor-General and High Commissioner, by the permission of the Governor-in-Chief, or Governor or other person administering the government of this province as hereinafter provided, be found at large or come within the said province, they or he shall in such case, be deemed and taken to be guilty of high treason, and shall, on conviction of being so found at large or coming within the said province without such permission as aforesaid, suffer death accordingly; provided always, that it shall and may be lawful for such Governor-General and High Commissioner, or, if there shall be no such Governor-General and High Commissioner, then for the Governor-in-Chief, Governor, or other person administering the government of this province, acting for and in behalf of her said Majesty, so soon as it shall to him appear consistent with the peace and tranquillity of this province, by any act or instrument under his hand and seal at arms, to grant permission for the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H.

Goddu, Rodolphe des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George E. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, or any of them, upon giving such security for their future good behaviour and loyal conduct as the said Governor-General and High Commissioner, or if there shall be no such Governor-General and High Commissioner, as the Governor-in-Chief, Governor, or other person administering the government of this province shall think fit, to return to this province and reside therein; and the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George E. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, or such of them as shall receive such permission as aforesaid, shall not thenceforth be subject to any penalty or prosecution whatever for any treason or treasonable or seditious practices by them or him at any time heretofore committed; provided also, that in any indictment for being

so found or coming within the province without such permission as aforesaid, the burden of proof of having obtained such permission of the said Governor-General and High Commissioner, Governor-in-Chief, Governor, or other person administering the government of this province, shall lie upon the party accused or indicted thereof.

“And it is hereby further ordained and enacted, by and with the authority aforesaid, that nothing in any proclamation of her Majesty contained shall extend or be held or construed to extend to the cases of François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Aimable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, or to the case of any other person or persons charged with the murder of the late George Weir, a lieutenant in her Majesty's 32nd Regiment of Foot, or with the murder of the late Joseph Chartrand; nor shall François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Aimable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, nor shall any other persons suspected of being concerned in the said murders, or either of them, nor any person concerned in the escape from the custody of the sheriff of Montreal of Louis Lussier, charged with the murder of the said George Weir, or who may have harboured the said Louis Lussier after, or aided him in such escape, derive any benefit or advantage whatsoever from any proclamation of her most gracious Majesty, nor shall any amnesty thereby intended to be granted be

taken in any way to apply to such person or persons, or any of them.

“DURHAM.

“Ordained and enacted by the authority aforesaid, and passed in special Council at the city of Quebec, the 28th day of June, in the second year of the reign of our

sovereign Lady Victoria, by the Grace of God, of the united kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord, 1838.

“By his Excellency's command,  
“W. B. LANDSAY,  
*Clerk Special Council.*”

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COPY OF A PROCLAMATION ISSUED BY THE EARL OF DURHAM ON THE 28TH OF JUNE, 1838.

“Province of Lower Canada.

“DURHAM.

“Victoria, by the Grace of God, of the united kingdom of Great Britain and Ireland Queen, Defender of the Faith.

“To all to whom these presents shall come, or whom the same may concern, greeting:—

“PROCLAMATION.

“Whereas our province of Lower Canada hath been long disturbed by political dissensions, and was recently afflicted with rebellion and civil war, whereby it hath become necessary to suspend the constitution of the said province, and to provide for the temporary government thereof by means of extraordinary powers conferred upon us by the Imperial Legislature; and whereas we are firmly resolved to punish, with the utmost severity, any future act of insubordination in our said province, and more especially to prevent in future, as far as in our power, the occurrence of dissensions similar to those by which our said province has been long disturbed as aforesaid, by effectually removing all causes of dissension, so that our said province may be established in peace as a loyal

and truly British colony; and whereas, in the exercise and in pursuance of the extraordinary powers as aforesaid, it hath been ordained and enacted by an ordinance this day made and passed according to law, entitled ‘An ordinance to provide for the Security of the Province of Lower Canada,’ that it shall be lawful for us to transport certain persons named in the said ordinance to our island of Bermuda during our pleasure; and that if the said persons, or certain other persons also named in the said ordinance, who have withdrawn themselves from the pursuit of justice beyond the limits of our said province, shall at any time hereafter, except by permission of our Governor-General of our provinces on the continent of North America and High Commissioner for the adjustment of certain important questions depending in the provinces of Lower and Upper Canada, or, if there shall be no such Governor-General or High Commissioner, by the permission of the Governor-in-chief or Governor or other person administering our government of Lower Canada, as provided in the said ordinance, be found at large or come within



our said province, they shall in that case be taken and deemed to be guilty of high treason, and shall suffer death accordingly. And whereas, under the peculiar circumstances of our said province, as aforesaid, it is not less expedient in our judgment than grateful to our heart to mark, by an act of royal grace, our recollection of the ancient and well-proven loyalty of all our Canadian subjects, rather than by any severity of punishment, our sense of the recent disaffection of some of them; know ye, therefore, that we have ordained, directed, and declared, and by these presents do ordain, direct, and declare, that no further proceedings shall be had or taken against any persons whatsoever on account of any high treason or offences of a treasonable nature with which they now stand charged, or wherewith they may be chargeable at this time, but that all such proceedings, without exception or distinction, save as hereinafter mentioned, shall henceforth cease and determine. And it is our further will and pleasure, that with the exception of such persons as are in that behalf named in the said ordinance, and whose cases are thereby provided for, all persons at present in custody and charged with high treason or other offences of a treasonable nature, and also, with such exceptions as aforesaid, all persons who have withdrawn themselves from the pursuit of

justice beyond the limits of our said province, shall immediately, upon giving such security for their future good and loyal behaviour as our said Governor-General and High Commissioner, or, if there should be no such Governor-General or High Commissioner, then, the Governor-in-chief, Governor, or the person administering the government of this province, shall direct, be at liberty to return to their homes, and may and shall there remain wholly unmolested by reason of any high treason or other offences of a treasonable nature in which he or they may have been concerned.

“In testimony whereof we have caused these our letters to be made patent, and the great seal of our said province of Lower Canada to be affixed thereto.

“Witness our right trusty and right well-beloved John George, Earl of Durham, Viscount Lambton, &c., Knight Grand Cross of the Most Hon. Military Order of the Bath, one of our Most Hon. Privy Council, and Governor-General, Vice-Admiral, and Captain-General of all our provinces within and adjacent to the continent of North America, &c.

“At our Castle of St. Louis, in our city of Quebec in our said province of Lower Canada, the 28th day of June, in the year of our Lord, 1838, and in the second year of our reign.

“D. DALY, Secretary.”

“EXTRACT OF A DESPATCH FROM THE EARL OF DURHAM TO LORD GLENELG, DATED CASTLE OF ST. LOUIS, QUEBEC, JUNE 29, 1838.

“The first step which I took on my arrival was to examine most carefully the list of prisoners and the depositions affecting each: in so doing I discovered that against only eight or nine there existed any evidence which would warrant the application of great severity, the chief leaders and instigators of the revolt having fled from the province, and being in safety in the United States. I next applied myself, by answers to addresses and private applications, to the discouragement of any notion of the possibility of a general amnesty, and announced that my determination was to punish the guilty, and to extend mercy to the misguided; for which purpose I issued a special commission for the trial of the prisoners, and sent the Attorney-General with it to Montreal. These measures produced the salutary consequences which I expected, and, joined to other means, through which they became convinced that I would not suffer the guilty to escape, induced the ringleaders to plead guilty, and throw themselves on the mercy of the Crown.

“Yesterday I summoned a special council, a list of the members of which I enclose your lordship, and passed an ordinance by which the prisoners who pleaded guilty are transported from the continent of America during her Majesty's pleasure. M. Papineau and his associates, who fled from justice, are prevented from re-entering the province, and the remainder are enlarged on giving security for their good conduct. I also

issued a proclamation in her Majesty's name, which announces the latter act of grace at the same time with the ordinance which inflicts the punishment.

“These measures have met the entire approbation of Sir John Colborne, and of the heads of what is called the British party: they declared they did not require any sanguinary punishment, but they desired security for the future, and the certainty, that the returning tranquillity of the province should not be arrested by the machinations of these ringleaders of the rebellion, either here or in the United States. This I have effected for them to their contentment. I did not think it right to transport these persons to a convict colony, for two reasons:—1st, because it was affixing a character of moral infamy on their acts which public opinion would not sanction; and 2dly, because I hold, that it would be impolitic to force on the colony itself persons who would be looked upon in the light of political martyrs, and thus acquire, perhaps, a degree of influence which might be applied to evil uses in a community composed of such dangerous elements. On consultation, therefore, with Vice-Admiral Sir Charles Paget, I determined on sending them to Bermuda, where they could be placed under strict restraint and surveillance. There is, however, little fear of their attempting to escape, as such an act would close at once and forever the door against their ever re-entering their native country.

“ Sir Charles Paget has ordered the Vestal to be prepared to take the prisoners, eight in number, to Bermuda immediately on their arrival here; and I trust, therefore, that in a very few days there will not remain in confinement one single person charged with trea-

sonable and seditious practices in this province. Of course I do not refer to the murderers of Lieutenant Weir, who will be arraigned in the usual manner at the usual assizes, and whose case ought to be clearly exempted from the class of political offenders.”

“ ANNO PRIMO ET SECUNDO VICTORIÆ REGINÆ.

“ CAP. CXII.—AN ACT FOR INDEMNIFYING THOSE WHO HAVE ISSUED OR ACTED UNDER CERTAIN PARTS OF A CERTAIN ORDINANCE MADE UNDER COLOUR OF AN ACT PASSED IN THE PRESENT SESSION OF PARLIAMENT, ENTITLED, ‘ AN ACT TO MAKE TEMPORARY PROVISION FOR THE GOVERNMENT OF LOWER CANADA.’—Aug. 16, 1838.

“ Whereas an act was made this present session of Parliament, entitled ‘ An Act to make temporary provision for the government of Lower Canada;’ and whereas a certain law or ordinance hath been made and published by the Governor of the said province, by and with the advice and consent of the Special Council, bearing date the 28th day of June last, entitled, ‘ An Ordinance to provide for the Security of the province of Lower Canada,’ which ordinance cannot be justified by law, but was so much intended for the security of the said province, that it is expedient that all persons advising or acting under or in obedience to so much of the same as relates to the sending of certain persons to Bermuda, who are stated in the same to have made certain confessions, and to the subjecting such persons to restraint, should be indemnified by Parliament in the manner and to the extent hereinafter provided for: be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which have been, or shall be, prosecuted or commenced in any court or before any tribunal in any part of her Majesty’s dominions against any person or persons for or by reason of any act, matter, or thing advised, commanded, appointed, or done in relation to the premises before the proclamation of this act in the said province of Lower Canada and in the islands of Bermuda respectively or elsewhere in manner hereinafter provided, be, are, and shall be discharged and made void by virtue of this act; and that if any action or suit shall be prosecuted or commenced against any person or persons for any such act, matter, or thing so advised, commanded, appointed, or done, he, she, or they, may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or

plaintiffs in any action or suit so to be prosecuted or commenced except in that part of Great Britain called Scotland, after the 1st day of October next, shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against such plaintiff or plaintiffs, the defendant or defendants shall recover his, her, or their double costs, for which he, she, or they, shall have the like remedy as in cases where costs by law are given to defendants; and if any such action or suit as aforesaid shall be commenced or prosecuted after the 1st day of October next, in that part of Great Britain called Scotland, the court before whom such action or suit shall be commenced or prosecuted shall allow to the defender the benefit of the discharge and indemnity hereby provided, and shall further allow to him his double costs of suit in all such cases as aforesaid.

“2. And be it enacted, that this act shall be proclaimed in the said province of Lower Canada and in the said islands of Bermuda by the Governor, or by the person authorized to execute the commission of governor, of the said province, and of the said islands respectively, forthwith after he shall have received a copy of the same from one of her Majesty's principal Secretaries of State.”

#### “DURHAM.

“By his Excellency the right hon. John George, Earl of Durham, Viscount Lambton, &c., Knight Grand Cross of the Most Hon. Military Order of the Bath, one of her Majesty's Most Hon. Privy Council, and Governor-General, Vice-Admiral, and Captain-General of all her Majesty's

Provinces within, and adjacent to, the Continent of North America, &c.

#### “A PROCLAMATION.

“In conformity with one of its provisions, I have this day proclaimed the act 1 and 2 Victoria, chap. 112, entitled, ‘An Act for indemnifying those who have issued or acted under certain parts of a certain Ordinance made under colour of an act passed in the present Session of Parliament, entitled ‘An Act to make temporary Provision for the Government of Lower Canada.’

“I have also to notify the disallowance by her Majesty of the ordinance 2d Victoria, chap. 1, entitled, ‘An Ordinance to provide for the Security of the Province of Lower Canada.’

“I cannot perform these official duties without at the same time informing you, the people of British America, of the course which the measures of the Imperial Government and Legislature make it incumbent on me to pursue. The mystery which has heretofore too often during the progress of the most important affairs concealed from the people of these colonies the intentions, the motives, and the very actions of their rulers, appears to me to have been one of the main causes of the numerous errors of the Government and the general dissatisfaction of the people. Undesirable at any time, such concealment on the part of one intrusted with the supreme authority in the present crisis of your affairs would be most culpable and pernicious. With a people from whom I have had so many and such gratifying proofs of warm and confiding attachment I can have no reserve; and my

implicit reliance on your loyalty and good sense will justify me in making you acquainted with what it most imports you to know.

“It is the more necessary for me thus to act, because, when I first entered upon this government, I explained to you in a proclamation issued immediately on my arrival on these shores the nature of the powers vested in me, and the principles on which it was my intention to exercise them. Now, therefore, that I am about to return to England, I feel it to be my bounden duty to state to you, as fully and as frankly, the reasons which have induced me to lay down powers rendered inadequate to the carrying into effect those or any other principles of government.

“I did not accept the government of British North America without duly considering the nature of the task which I imposed on myself, or the sufficiency of my means of performing it. When Parliament concentrated all legislative and executive power in Lower Canada in the same hands, it established an authority which, in the strictest sense of the word, was despotic. This authority her Majesty was graciously pleased to delegate to me. I did not shrink from assuming the awful responsibility of power thus freed from constitutional restraints, in the hope that by exercising it with justice, with mildness, and with vigour, I might secure the happiness of all classes of the people, and facilitate the speedy and permanent restoration of their liberties. But I never was weak enough to imagine that the forms by which men's rights are wisely guarded in that country where freedom has been longest enjoyed, best understood, and

most prudently exercised, could be scrupulously observed in a society almost entirely disorganized by misrule and dissension. I conceived it to be one of the chief advantages of my position, that I was enabled to pursue the great ends of substantial justice and sound policy free and unfettered. Nor did I ever dream of applying the theory or practice of the British constitution to a country whose constitution was suspended, where all representative government was annihilated, and the people deprived of all control over their own affairs—where the ordinary guarantees of personal rights had been in abeyance during a long subjection to martial law, and a continued suspension of the Habeas Corpus—where there neither did exist, nor had for a long time existed, any confidence in the impartial administration of justice in any political case.

“To encourage and stimulate me in my arduous task, I had great and worthy objects in view. My aim was to elevate the province of Lower Canada to a thoroughly British character, to link its people to the sovereignty of Britain, by making them all participators in those high privileges, conducive at once to freedom and order, which have long been the glory of Englishmen. I hoped to confer on an united people a more extensive enjoyment of free and responsible government, and to merge the petty jealousies of a small community, and the odious animosities of origin, in the higher feelings of a nobler and more comprehensive nationality.

“To give effect to these purposes, it was necessary that my powers of government should be as strong as they were extensive,—that I

should be known to have the means of acting as well as judging for myself, without a perpetual control by distant authorities. It were well, indeed, if such were the ordinary tenure of government in colonies, and that your local administration should always enjoy so much of the confidence of those with whom rests the ultimate decision of your affairs, that it might ever rely on one being allowed to carry out its policy to completion, and on being supported in giving effect to its promises and its commands. But in the present posture of your affairs, it was necessary that the most unusual confidence should accompany the delegation of a most unusual authority; and that, in addition to such great legal powers, the Government here should possess all the moral force that could be derived from the assurance that its acts would be final and its engagements religiously observed.

“It is not by stinted powers, or a dubious authority, that the present danger can be averted, or the foundation laid of a better order of things.

“I had reason to believe that I was armed with all the power which I thought requisite by the commissions and instructions under the Royal sign manual with which I was charged as Governor-General and High Commissioner, by the authority vested in me and my council by the act of the Imperial Legislature, and by the general approbation of my appointment which all parties were pleased to express. I also trusted that I should enjoy throughout the course of my administration all the strength which the cordial and steadfast support of the authorities at home can alone give to their

distant officers; and that even party feeling would refrain from molesting me whilst occupied in maintaining the integrity of the British empire.

“In these just expectations I have been painfully disappointed. From the very commencement of my task the minutest details of my administration have been exposed to incessant criticism, in a spirit which has evinced an entire ignorance of the state of this country, and of the only mode in which the supremacy of the British Crown can here be upheld and exercised. Those who have in the British Legislature systematically depreciated my powers, and the Ministers of the Crown by their tacit acquiescence therein, have produced the effect of making it too clear that my authority is inadequate for the emergency which called it into existence. At length an act of my government, the first and most important which was brought under the notice of the authorities at home, has been annulled, and the entire policy of which that act was a small, though essential part, has thus been defeated.

“The disposal of the political prisoners was from the first a matter foreign to my mission. With a view to the more easy attainment of the great objects contemplated, that question ought to have been settled before my arrival. But, as it was essential to my plans for the future tranquillity and improvement of the colony, that I should commence by allaying actual irritation, I had in the first place to determine the fate of those who were under prosecution, and to provide for the present security of the province by removing the most dangerous disturbers of its peace.



For these ends the ordinary tribunals, as a recent trial has clearly shown, afforded me no means. Judicial proceedings would only have agitated the public mind afresh, would have put in evidence the sympathy of a large portion of the people with rebellion, and would have given to the disaffected generally a fresh assurance of impunity for political guilt. An acquittal in the face of the clearest evidence, which I am justified in having anticipated as inevitable, would have set the immediate leaders of the insurrection at liberty, absolved from crime, and exalted in the eyes of their deluded countrymen, as the innocent victims of an unjust imprisonment and a vindictive charge. I looked on these as mischiefs which I was bound to avert by the utmost exercise of the powers intrusted to me. I could not, without trial and conviction, take any measures of a purely penal character; but I thought myself justified in availing myself of an acknowledgement of guilt, and adopting measures of precaution against a small number of the most culpable or most dangerous of the accused. To all the rest I extended a complete amnesty.

“Whether a better mode of acting could have been devised for the emergency is now immaterial. This is the one that has been adopted: the discussion which it at first excited had passed away, and those who were once most inclined to condemn its leniency had acquiesced in, or submitted to, it. The good effects which must necessarily have resulted from any settlement of this difficult question had already begun to show themselves. Of these the principal were, the general approval of my

policy by the people of the United States, and the consequent cessation of American sympathy with any attempt to disturb the Canadas. This result has been most gratifying to me, inasmuch as it has gone far towards a complete restoration of that good-will between you and a great kindred nation, which I have taken every means in power to cultivate, and which I earnestly entreat you to cherish as essential to your peace and prosperity.

“It is also very satisfactory to me to find, that the rectitude of my policy has hardly been disputed at home, and that the disallowance of the ordinance proceeds from no doubt of its substantial merits, but from the importance which has been attached to a supposed technical error in the assumption of a power which, if I had it not, I ought to have had.

“The particular defect in the ordinance which has been made the ground of its disallowance was occasioned, not by my mistaking the extent of my powers, but by my reliance on the readiness of Parliament to supply their insufficiency in case of need. For the purpose of relieving the prisoners from all apprehensions of being treated as ordinary convicts, and the loyal inhabitants of the province from the dread of their immediate return, words were inserted in the ordinance respecting the disposal of them in Bermuda which were known to be inoperative. I was perfectly aware, that my powers extended to landing the prisoners on the shores of Bermuda, but no further. I knew that they could not be forcibly detained in that island without the co-operation of the Imperial Legislature. That co-operation I had

a right to expect, because the course I was pursuing was pointed out in numerous acts of the imperial and provincial Legislatures, as I shall have occasion hereafter most fully to prove. I also did believe, that even if I had not the precedents of these Acts of Parliament, a Government and a Legislature, anxious for the peace of this unhappy country and for the integrity of the British empire would not sacrifice to a petty technicality the vast benefits which my entire policy promised, and had already in a great measure secured. I trusted they would take care, that a great and beneficent purpose should not be frustrated by any error, if error there was, which they could rectify, or the want of any power which they could supply. Finally, that if they found the ordinance inoperative, they would give it effect; if illegal that they would make it law. This small aid has not been extended to me, even for this great object; and the usefulness of my delegated powers expires with the loss of that support from the supreme authority which could alone sustain it. The measure now annulled was but part of a large system of measures which I promised when I proclaimed the amnesty. When I sought to obliterate the traces of recent discord, I pledged myself to remove its causes, to prevent the revival of a contest between hostile races, to raise the defective institutions of Lower Canada to the level of British civilization and freedom, to remove all impediments to the course of British enterprise in this province, and promote colonization and improvement in the others, and to consolidate those general benefits on the strong and pema-

nent basis of a free, responsible, and comprehensive government.

“Such large promises could not have been ventured without a perfect reliance on the unhesitating aid of the supreme authorities. Of what avail are the purposes and promises of a delegated power whose acts are not respected by the authority from which it proceeds? With what confidence can I invite co-operation, or impose forbearance, whilst I touch ancient laws and habits, as well as deep-rooted abuses, with the weakened hands that have ineffectually essayed but a little more than the ordinary vigour of the police of troubled times?

“How am I to provide against the immediate effects of the disallowance of the ordinance? That ordinance was intimately connected with other measures which remain in unrestricted operation. It was coupled with her Majesty's proclamation of amnesty; and, as I judged it becoming that the extraordinary Legislature of Lower Canada should take upon itself all measures of rigorous precaution, and leave to her Majesty the congenial office of using her royal prerogative for the sole purpose of pardon and mercy, the proclamation contained an entire amnesty, qualified only by the exceptions specified in the ordinance. The ordinance has been disallowed, and the proclamation is confirmed. Her Majesty having been advised to refuse her assent to the exceptions, the amnesty exists without qualification. No impediment, therefore, exists to the return of the persons who had made the most distinct admission of guilt, or who had been excluded by me from the province on account of the danger to which its tranquil-

lity would be exposed by their pressnce; and none can now be enacted, without the adoption of measures alike repugnant to my sense of justice and policy. I cannot recall the irrevocable pledge of her Majesty's mercy. I cannot attempt to evade the disallowance of the ordinance, by re-enacting it under the disguise of an alteration of a scene of banishment, or of the penalties of unauthorised return. I cannot, by a needless suspension of the Habeas Corpus, put the personal liberty of every man at the mercy of the Government, and declare a whole province in immediate danger of rebellion, merely in order to exercise the influence of a vague terror over a few individuals.

"In these conflicting and painful circumstances, it is far better that I should at once and distinctly, announce my intention of desisting from the vain attempt to carry my policy and system of administration into effect with such inadequate and restricted means. If the peace of Lower Canada is to be again menaced, it is necessary that its Government should be able to reckon on a more cordial and vigorous support at home than has been accorded to me. No good that may not be expected from any other Government in Lower Canada can be obtained by my continuing to wield extraordinary legal powers of which the moral force and consideration are gone.

"You will easily believe that, after all the exertions which I have made, it is with feelings of deep disappointment that I find myself thus suddenly deprived of the power of conferring great benefits on that province to which I have referred, of reforming the administrative system there, and eradicating the manifold abuses which had

been engendered by the negligence and corruption of former times, and so lamentably fostered by civil dissensions. I cannot but regret being obliged to renounce the still more glorious hope of employing unusual legislative powers in the endowment of that province with those free municipal institutions which are the only sure basis of local improvement and representative liberty, of establishing a system of general education, of revising the defective laws which regulate real property and commerce, and of introducing a pure and competent administration of justice. Above all, I grieve to be thus forced to abandon the realization of such large and solid schemes of colonization and internal improvement as would connect the distant portions of these extensive colonies, and lay open the unwrought treasures of the wilderness to the wants of British industry, and the energy of British enterprise.

"For these objects I have laboured much, and have received the most active, zealous, and efficient co-operation from the able and enlightened persons who are associated with me in this great undertaking. Our exertions, however, will not and cannot be thrown away. The information which we have acquired, although not as yet fit for the purposes of immediate legislation, will contribute to the creation of juster views as to the resources, the wants, and the interests of these colonies than ever yet prevailed in the mother country. To complete and render available those materials for future legislation is an important part of the duties which as High Commissioner I have yet to discharge, and to which I shall

devote the most anxious attention.

I shall also be prepared, at the proper period, to suggest the constitution of a form of government for her Majesty's dominions on this continent, which may restore to the people of Lower Canada all the advantages of a representative system, unaccompanied by the evils that have hitherto proceeded from the unnatural conflicts of parties, which may safely supply any deficiencies existing in the governments of the other colonies, and which may produce throughout British America a state of contented allegiance, founded, as colonial allegiance ever must be, on a sense of obligation to the parent state.

"I fervently hope, that my usefulness to you will not cease with my official connection. When I shall have laid at her Majesty's feet the various high and important commissions with which her Royal favour invested me, I shall still be enabled as a Peer of Parliament to render you efficient and constant service in that place

where the decisions that affect your welfare are in reality made. It must be, I humbly trust, for the advantage of these provinces if I can carry into the Imperial Parliament a knowledge derived from personal inspection and experience of these interests, upon which some persons there are too apt to legislate in ignorance or indifference, and can aid in laying the foundation of a system of general government which, while it strengthens your permanent connexion with Great Britain, shall save you from the evils to which you are now subjected by every change in the fluctuating policy of distant and successive administrations.

"Given under my hand and seal at arms, at the Castle of St. Louis, in the city of Quebec, in the said province of Lower Canada, the 9th day of October, in the year of our Lord 1838, and in the 2d year of her Majesty's reign.

"By command,

"CHARLES BULLER,  
"Chief Secretary."

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—  
A PROCLAMATION.

"Whereas, information having been received of a dangerous excitement on the northern frontier of the United States, in consequence of the civil war begun in Canada, and instructions having been given to the officers on that frontier, and applications having been made to the Governors of the adjoining States to prevent any unlawful interference of our citizens in the contest unfortunately commenced in the British pro-

vinces; additional information has just been received, that notwithstanding the proclamations of the Governors of the States of New York and Vermont, exhorting their citizens to refrain from any unlawful acts within the territory of the United States, and notwithstanding the presence of the civil officers of the United States, who, by my directions, have visited the scenes of commotion, with a view of impressing the citizens with a

proper sense of their duty, the excitement, instead of being appeased, is every day increasing in degree—that arms and munitions of war, and other supplies, have been procured by the insurgents in the United States—that a military force, consisting, in part at least, of citizens of the United States, had been actually organized, had congregated at Navy Island, and were still in arms under command of a citizen of the United States, and that they were constantly receiving accessions and aid.

“Now, therefore, to the end that the authority of the laws may be maintained, and the faith of treaties observed, I, Martin Van Buren, do most earnestly exhort all citizens of the United States who have thus violated their respective duties to return peaceably to their respective homes; and I

hereby warn them, that any persons who shall compromise the neutrality of this Government by interfering in an unlawful manner with the affairs of the neighbouring British provinces will render themselves liable to arrest and punishment under the laws of the United States, which will be rigidly enforced; and also, that they will receive no aid or countenance from their Government, into whatever difficulties they may be thrown by the violation of the laws of their country, and of the territory of a neighbouring and friendly nation.

“Given under my hand, at the city of Washington, the 5th day of January, 1838, and the 62nd of the Independence of the United States.

“M. VAN BUREN.

“By the President,

“John Forsyth,

“Secretary of State.”

## II.—FOREIGN.

### HANOVER.

#### PROCLAMATION FOR THE CONVOCATION OF THE STATES-GENERAL.

“ERNEST AUGUSTUS, KING OF  
HANOVER, &c.

“After having dissolved, by our proclamation of the 30th October, 1837, the General Assembly of the States convoked conformably to the fundamental law of the 26th of September, 1833, we declared in our decree of the 1st of November, 1837, that the obligatory force of that fundamental law had ceased, and that we would immediately convoke the States-general created by the royal decree of the 7th December, 1819, which remained in force till the year 1833, in order, that we might submit to their deliberation and adoption, our proposals concerning the constitution.

“The preparatory labours being now concluded, it affords us peculiar pleasure to fulfil this our promise, and assemble our faithful States around our Throne.

“In what concerns the convocation of the States we have strictly conformed to the royal decree of the 7th of December, 1819, and to the designation of the members of the General Assembly of States annexed to it, so far, at least, as no changes have occurred during the interval.

“Firstly, by the royal decree of the 7th of December, 1819, the Count of Stolberg was alone included among the members of the first Chamber of State, for the county of Hohenstein. Nevertheless, since the Count of Stolberg-

Weringerode possesses, as well as the Count of Stolberg-Stolberg, considerable domains and especial privileges within our county of Hohenstein, it was only rendering homage to the principles of justice, when, by a decree promulgated in 1826, by our well-beloved brother, George 4th, the right of sitting and voting in the First Chamber of the States was conferred on the Count of Stolberg-Weringerode.

“Secondly, By the terms of the above-cited royal decree the King is authorised to confer the personal and hereditary right of voting in the First Chamber of the States, on such individuals as, conformably to the enactments of such decree, have erected a majorat. If, therefore, our predecessors have conferred a personal and hereditary right of voting in the First Chamber of the States-general on four proprietors of equestrian estates, those proprietors having previously established a majorat, we cannot but consider these peculiar favours, as having been conferred under the empire of the royal decree of the 7th of December, 1819. Nevertheless, as three of the decrees emanating from our well-beloved brother, William 4th, of happy memory, and conferring an hereditary right of sitting and voting in the First Chamber of the States have not yet been brought to the knowledge of the States-general of 1819, an authentic communication of the documents drawn up con-



formably to those decrees will be made to them, that they may be apprised of the same; and that they may admit the individuals to whom a full vote has been accorded, to participate in the operations of the First Chamber of the States.

“Thirdly, The royal proclamation, published the 13th of January, 1832, after a preliminary discussion with the General Assembly of the States, had determined, that some deputies of the order of peasants of the districts of Hanover, Hildesheim, Lüneburg, Stade, and Osnabruck, and who were not represented, should be elected, and admitted to vote in the Second Chamber of the States, in case, independently of other conditions required by the general laws, these deputies were possessed of landed property within the kingdom. The King had reserved to himself the right of fixing the number of deputies of the order of peasants, and this number was, in fact, determined by the ordinance of the 22nd of February, 1832, to the effect, that the hereditary possessors of farms subject to impositions within the principalities of Calenberg, Gottingen, and Grubenhagen the principality of Lüneburg, the district of Bremen, the duchy of Verden, the counties of Hoya and Diepholtz, the principality of Osnabruck, with Meppen and Lingen, and the principality of Hildesheim, should participate in the elections accorded by the royal decree of the 7th of December, 1819, in those districts to the possessors of free estates not appertaining to the equestrian order, as well as to the boroughs, and to the freemen of the county of Bentheim, but that the number of deputies to be named by these possessors of land

should be determined in the following manner:—

“For the principalities of Calenberg, Gottingen, and Grubenhagen, three: for the principality of Lüneburg, three; for the Duchy of Verden, and the district of Bremen, three; for the counties of Hoya and Diepholtz, one; for the Duchy of Osnabruck, three; for the Duchy of Aremberg Meppen and the county of Lingen, one; for the principality of Bentheim, one.

“For the present, these several dispositions are maintained.

“In the same manner, the dispositions contained in the above-cited ordinance of the 22nd of February, 1832, relative to the general electoral operations, are to be observed at the ensuing elections.

“Seeing, that the electoral ordinance of the 9th of October, 1833, is intimately connected with the fundamental law of the 26th September, 1833, which we have abrogated, and has lost its obligatory force simultaneously with the said law.

“Fourthly, As the college of the Treasury has been dissolved, the members which compose it, and who, according to the terms of the royal decree of the 7th of December, 1819, had the right of sitting and voting in the First and Second Chamber of the General Assembly of the States, can no longer be admitted in that quality to form a part of the said General Assembly of the States.

“According to the considerations developed as above, not only those privileged, as already stated, but also the deputies of the landholders not belonging to the equestrian order, including the order of peasants, will be convoked to the General Assembly of the States.

“With respect to the elections of deputies for cities, it is our will that they take place conformably to the dispositions of the ordinance of the 22nd of February, 1832.

“Immediately after the opening of the Assembly of the States-General, we shall cause to be submitted to their deliberation and to their adoption the plan of a new constitutional law for the kingdom, and also several other important bills.

“We fix the period for the opening of the General Assembly of the States for the 20th of Feb-

ruary, 1838; and we invite all those who have the right to do so, to assemble on that day, in our capital of Hanover, either in person or by deputy, to assist at the opening of the General Assembly of the States, and to participate in the ulterior operations.

“This present proclamation will be made public by its insertion in the first part of the bulletin of laws.

“Given at Hanover, the 7th of January, 1838.

“ERNEST AUGUSTUS.  
“VON SCHELE.”

#### TREATY OF COMMERCE BETWEEN AUSTRIA AND GREAT BRITAIN.

“Art. 1. From the date of the ratification of the present treaty, the vessels of the two powers, on entering and quitting the respective harbours of the two contracting Powers, shall pay no other duties than those to which are subjected or may hereafter be subjected, to the national vessels of each of the two Powers.

“2. All the productions of the dominions of his Majesty the Emperor of Austria, including those exported to the north by the river Elbe, and to the east by the Danube, and which may be imported into the harbours of her Majesty the Queen of the United Kingdom, as also all the productions of the soil and manufactures of the kingdom of Great Britain, which may be imported into the harbours of his Majesty the Emperor of Austria, shall enjoy the same privileges and immunities, and *vice versa*.

“3. All the articles which are not the produce of the soil and manufactures of the dominions of the two contracting Powers, but

shall be imported in a regular manner from the harbours of Austria into those of the United Kingdom of Great Britain, Ireland, Malta, Gibraltar, and other possessions of her Britannic Majesty, shall be held to pay no other duties than those they would have to discharge if they were imported in English vessels. Her Britannic Majesty grants, by the present treaty, to the trade and navigation of Austria, the advantages secured by the two acts of Parliament of the 28th August, 1833, to the vessels and productions of the United Kingdom and of its possessions, and those enjoyed by the most favoured nations.

“4. All Austrian vessels proceeding from the harbours of the Danube, as far as Galacz inclusive, as well as their cargoes, may sail direct for the ports of Great Britain, and of all other the possessions of her Britannic Majesty, as if they came direct from the harbours of Austria; and, reciprocally, all English vessels, as well

as their cargoes, shall be admitted into the Austrian harbours and depart therefrom, with the same immunities as Austrian vessels.

“ 5. Whereas English vessels coming direct from other countries may enter Austrian harbours, agreeably to the tenour of the present treaty, without paying any other duties than those to which Austrian vessels are liable, the productions of the soil and industry of those parts of Asia and Africa which are within the Straits of Gibraltar, and which, after being carried in a right line into the ports of Austria, are thence sent in Austrian vessels to the ports of Great Britain, shall enjoy the same advantages as if they had been imported by English vessels into Austrian ports.

“ 6. All articles of commerce imported or exported into or from the ports of the contracting countries under the flags of either, whether in British or Austrian bottoms, are to be subjected to the same duties and premiums.

“ 7. All goods in bond from either country are to be subjected to the same duties on re-exportation.

“ 8. The Governments of the two states undertake not to enquire into the origin of the products introduced into the ports of either.

“ 9. With regard to trade with the East Indies in Austrian bottoms, the same privileges are granted by England to Austria as to the most favoured nations, but under the same conditions and legal prescriptions.

“ 10. The treaty does not apply to coasting navigation and trade between the ports of the same state in vessels belonging to the other of the two contracting states, as far as regards the trans-

port of passengers and goods, because this navigation and trade are reserved to natives of each country respectively.

“ 11. The vessels and subjects of the contracting Powers, in their trade and navigation, are to enjoy reciprocally all the rights and privileges of the most favoured nations in the ports of either—that is to say, Austria is to have in the United Kingdom and all British possessions the full advantage of the Navigation Act passed 28th of April, 1833, and of another act of the same date for regulating the trade of the foreign possessions of England, or of any future acts or Orders in Council to the same effect; and England is to have in Austrian ports all advantages insured by treaties to other Powers. The two Powers also bind themselves not to grant any favours and privileges of trade and navigation to the subjects of other Powers which shall not be at the same time granted to Austrian and British subjects reciprocally, either gratuitously or upon equivalent compensation, according to the nature of the privileges so granted to other Powers.

“ 12. The stipulations contained in the 7th article of the treaty concluded at Paris on the 5th of November, 1815, between the courts of Austria, Great Britain, Prussia, and Russia, for the trade between the Austrian states and the Ionian Islands continue in force.

“ 13. The present treaty, which replaces that of the 21st of December, 1829, between the Austrian and British Governments, is to remain in force until the 31st of December, 1848, and after that time for twelve months from the date when one of the contracting

Powers shall signify to the other its intention of limiting the duration of the treaty. At the expiration of such twelve months after the reception of such notice, the treaty is to cease to be of effect.

“ 14. The treaty is to be rati-

fied, and the ratifications exchanged within one month, or sooner if possible. Done at Vienna July 3, 1838.

“ METTERNICH.

“ FREDERIC JAMES LAMB.”

## PRUSSIAN COMMERCIAL UNION TREATY.

RETURN TO AN ADDRESS OF THE HON. THE HOUSE OF COMMONS,  
DATED MAY 8, 1838; FOR

A Copy of the Prussian Commercial Union Treaty; and return of the names of the several states which have joined that union, and the dates at which they so joined; and also the names of the several states in Germany which have not agreed to join that union; together with a return of the population of each of those states respectively, from the latest census.

No. 1.

Treaty of Customs' Union between Prussia, Hesse-Cassel, and Hesse-Darmstadt, and Bavaria and Wurtemberg. Signed at Berlin, March 22, 1833. With additional articles, signed at Berlin, October 31, 1833. [Extracted from the collection of laws for the states of the kingdom of Prussia, 1833. No. 21. Published December 5, 1833.

Art. I. The customs' associations at present existing between the before-mentioned states, shall, for the future, form one confederation, united by a common system of trade and customs, and comprehending all the countries included therein.

II. Into this united confederation shall especially be admitted such states as have already ac-

ceded, either with their whole territory, or with a part of it, to the system of trade and customs of one or other of the contracting states; and regard shall be had to their peculiar relations, arising out of their treaties of accession, with reference to those states, with which such treaties have been concluded.

III. But those distinct parts of the territory of the contracting states, which have not yet, on account of their situation, been found suitable for admission into the Prussian and Hessian, or into the Bavarian and Wurtembergian customs' association, and are for the same reason unsuited for reception into the new united confederation, shall continue to be provisionally excluded from it.

Those regulations shall, however, be maintained, which are at present in force, relative to the facilities of commercial communication between those parts and the principal territory.

Further concessions of this nature shall be granted only by the common consent of the contracting states.

IV. Similar laws, relative to import, export, and transit duties, shall prevail within the dominions of the contracting states, but with

such modifications as may, without infringing upon the general rule, be necessary, in consequence of the peculiarity of the general legislation of any of the contracting states, or of local interests. For instance, in the customs' tariff, by regulating the import and export duties upon particular articles, which are ill-suited for the wholesale trade; and in the transit duties, when the course of the commercial roads may render it necessary, by making such variations from the usual rates of duties, as may appear desirable for particular states; provided that their operation be not injurious to the general interests.

The administration of the import, export, and transit duties, and the organization of the authorities for that purpose, shall, in like manner, be put upon the same footing in all the countries of the united confederation, regard being had to the peculiar circumstances existing in each.

The laws and ordinances to be prepared in furtherance of these views, and to be agreed upon by the contracting states; viz.: The customs' law, the customs' tariff, and the customs' regulation, shall be considered as integral and essential parts of the present treaty, and be published simultaneously with it.

V. Alterations in the customs' laws, generally, including the customs' tariff and the customs' regulation (Article IV.), and also additions to, and exceptions from them, shall be effected only in the same manner as the laws are introduced, and with the approbation of all the contracting states; which arrangement shall likewise apply to every regulation involving a general change in the rules relative

to the administration of the customs.

VI. Freedom of trade and commerce between the contracting states, and a common interest in the customs revenues, as settled in the following articles, shall commence with the operation of the present treaty.

VII. And from the same period, also, all import, export, and transit duties, shall be discontinued on the common boundaries of the late Prussian and Hessian, and Bavarian and Wurtembergian associations, and all articles which are already allowed to be freely interchanged in the territory of the one, shall be freely and without restriction admitted into the territory of the other, with the following reserved exceptions;

a. Articles belonging to monopolies of the state (playing-cards and salt) according to articles IX. and X.

b. Domestic productions, upon which duties of various amounts are at present levied within the contracting states, or which are exempt from duty in one state, but subject to duty in another, and are on this account liable to a compensation duty, according to article XI.; and lastly,

c. Such articles as cannot be imitated or introduced without infringing on the privileges or patents of invention conceded by one of the contracting states, and are therefore to be still excluded, during the continuance of the patents or privileges, from importation into that state which has granted them.

VIII. The transport of those articles of trade upon which is levied, according to the common customs' tariff, an import or export duty, at the extreme bounda-

ries, and also when removed out of the Royal Bavarian and Royal Wurtembergian countries, into the Royal Prussian, Electoral Hessian, and Grand-ducal Hessian countries, and *vice versa*, shall, without prejudice to the freedom of commerce and the exemption from duty settled in article VII., take place only upon the usual highways and military roads, and upon the navigable streams; and there shall be established, at the intermediate boundaries, common station houses, where the conductors of goods shall present their bills of lading, or tickets of transport, and specify the articles about to be exported from the one territory to the other.

This regulation shall not apply to the traffic in raw products in small quantities, nor in any case to the retail trade on the frontiers, and at the markets, nor to the luggage of travellers; nor shall a revision of goods take place, unless it be necessary to secure the compensation duties. (Article VII. *b.*)

IX. With respect to the importation of playing-cards, each state belonging to the Union shall be at liberty to retain the existing laws of prohibition or restriction.

X. With respect to salt, the following rules shall be observed:—

*a.* The importation of salt, and of all articles from which culinary salt is generally extracted, into the states of the Union, from foreign countries not belonging to the Union, shall be forbidden, unless it be actually on account of one of the united Governments, and for direct sale in their salt offices, factories, or dépôts.

*b.* The transit of salt, and of

the above-mentioned articles, from countries not belonging to the Union into other countries similarly situate, shall take place only with the consent of the confederated states whose territories shall be passed, and under such measures of precaution as they may consider it necessary to enforce.

*c.* The exportation of salt into foreign countries, not belonging to the Union, shall be free.

*d.* With respect to the trade in salt within the states of the Union, the importation of that article out of one state into another, shall be allowed only when there exist special treaties to that effect between the Governments of those states.

*e.* If one of the Governments of the Union should desire supplies of salt from another, out of either the public or private salt works, they shall be accompanied by passes from the public authorities; and the contracting Governments shall engage to appoint, for this purpose, a public officer at each private salt work, who shall take an account generally of the production and sale thereat.

*f.* If a state of the Union should be desirous of being supplied with its necessary quantity of salt from a foreign country, or from another state of the Union through a third confederated state, or of transporting its salt, through the same channel, into a foreign country not belonging to the Union, no impediment shall be offered thereto; but regulations shall be adopted, after previous agreement with the contracting states, (if such should not have been already established by means of treaties,) as to the transit roads, and the necessary



In like manner, manufacturers and merchants, who purchase merely on account of their business, or travellers who do not hawk about goods, but patterns only of them for the purpose of obtaining orders, if they have acquired, by the payment of the legal duties, the right to carry on business in that state of the union in which they reside, or are employed in the service of merchants or tradesmen so privileged, shall not be compelled to pay any further duty for this purpose in the other states of the union.

The subjects of any of the contracting states, who attend the markets and fairs in the other contracting states in the exercise of their trade, and for the disposal of their productions or manufactures, shall also be treated in the same manner as the subjects of those states.

XIX. The Prussian sea-ports shall be open to the trade of the subjects of all the states of the union upon payment of precisely the same duties as are paid by the Royal Prussian subjects; and the consuls of one or other of the contracting states, appointed at foreign sea-ports or other places of trade, shall be bound to advise and assist, as far as possible, the subjects of the other contracting states in any cases which may occur.

XX. The contracting states, for the purpose of protecting their common customs' system against smuggling, and the duties upon articles of domestic consumption against fraud, have agreed upon a general cartel, which shall be brought into operation as soon as possible, and not later than the present treaty.

XXI. The community of re-

venue of the contracting states consequent upon the present treaty, shall have reference to the amount of the import, export, and transit duties in the Prussian states, the kingdoms of Wurtemberg and Bavaria, the electorate of Hesse, and the grand duchy of Hesse, including also those countries which have already acceded to the customs' system of any of the contracting states.

From this community shall be exempted the revenue arising from the following sources, which is reserved for the private disposal of the Governments of the states interested, viz.:—

1. The taxes which are levied within each state upon articles of domestic production, including the compensation duties reserved according to Article XI.

2. The water-tolls, mentioned in Article XV.

3. The highway duties, and tolls for paved roads, dams, bridges, ferries, canals, sluices, and havens; also dues for weighing-machines, and warehouses, and the like, under whatever other name they may be levied; and

4. The fines and confiscations, arising from infractions of the customs' laws, which shall belong to each Government within its own territory, after payment of the share reserved for the former.

XXII. The amount of the duties which are to become common property, shall, after deducting;—

1. The expenses hereafter mentioned in Article XXX.;

2. The restitutions on account of erroneous impositions; and

3. The indemnifications and compensations to be made by virtue of special agreements between all parties;—

Be divided among the contracting states, according to the population of each state comprehended in the union.

The population of such states as have acceded, or may yet accede, to the customs' union, by means of a treaty with one or other of the contracting states, guaranteeing an annual payment by the latter, as an indemnity for the share of the former in the common customs' revenue, shall be included in the population of the state which makes such payment.

The census of the population in each separate state of the union shall be taken every three years, from a period yet to be agreed upon, and the result, therefore, shall be communicated by the states to each other.

XXIII. Concessions, with reference to the payment of taxes, which are granted to the trading interests, and are not founded upon the customs' laws, shall be at the expense of the treasury of that state which has granted them. The circumstances under which such concessions shall be approved are reserved for further agreement.

XXIV. Special concessions connected with the customs, which are enjoyed only by places where fairs are held; for instance, the privilege of discounts shall not, in conformity with the object of the customs' union, which is directed to the promotion of a freer and more natural exercise of general commerce be extended in those states of the union where they at present exist, but rather limited as much as possible, and their speedy and total removal attempted, with a due regard, as well to the circumstances upon which the maintenance of such hitherto favoured places depends, as to their

previous relative situation in matters of trade with foreign countries. New concessions, however, shall in no case be granted without the consent of all parties.

XXV. Articles which are imported for the household service of the sovereigns and reigning families, or of the ambassadors, envoys, *chargés d'affaires*, &c., accredited to their courts, shall not be exempt from the payment of the duties settled in the tariff, and if compensation be made for the same, it shall not be charged to the general account; nor in like manner shall those indemnities, which may be payable in one or other of the states, to those nobles who were formerly immediate members of the empire, or to communes, or to private individuals entitled thereto, in return for customs' rights abolished, or for exemptions repealed, be charged to that account.

Every state shall, however, be at liberty to allow, by means of free passes, the importation, exportation, or transit of particular articles, to take place in its own territory without payment of duty; but such articles shall be treated according to the customs' laws, and noted in the free registers, which shall be kept as well as the other customs' registers, and the duties which would have been levied thereon, shall, at the next adjustment of the revenues, be deducted from the share of that state by which the free passes were granted.

XXVI. The right of pardon and of commutation of punishment shall be reserved to each of the contracting states. Periodical accounts of the remission of punishments shall be reciprocally communicated when desired.

XXVII. The nomination of the officers and servants at the local and district stations, where goods are examined and duties levied, who are, in conformity with the special arrangement on the subject, to be appointed, regulated, and instructed upon uniform principles, shall be reserved to each of the contracting states within its own territory.

XXVIII. The customs' officers at the local and district stations shall, in each state of the union, be under the direction of customs' boards (where more than one is necessary), which shall also carry into effect the general customs' laws, and be subordinate to the proper ministerial department of the state concerned. The formation of the customs' boards, and the arrangement of the plan of their proceedings, shall be reserved to the Government of each state; but their jurisdiction, so far as it is left undecided in the principal treaty and in the general customs' laws, shall be defined in a common instruction, to be agreed upon for that purpose.

XXIX. The returns to be made by the customs' officers, appointed to levy the duties, at the expiration of each quarter of the year, and the final accounts of the customs' revenues received in each quarter, and during the whole year, respectively, to be submitted by them on the expiration of the year, and after the closing of the books, shall be audited by the customs' boards concerned, and collected together, in general statements, which shall be transmitted to the central board, to which each state may depute an officer.

This board shall, every three months, prepare, according to such

documents, the provisional accounts between the confederated states, and forward them to the central finance department of each, and shall also make out the definitive accounts of the year.

If it should appear from the quarterly accounts, that the actual receipt of a state of the union has exceeded the share in the revenues accruing to that state, in proportion to the whole receipt, by more than the amount of one month, the necessary measures shall be adopted for equalizing the amount, by a payment on the part of the state or states in which the additional sum has been received.

XXX. With reference to the charges of management, and those incurred in levying the duties, the following principles shall be observed:—

1. No community in this respect shall be allowed, but each Government shall defray its expenses of management, and of levying the duties, respectively, which are incurred within its own territory, whether in the regulation and maintenance of the chief and auxiliary customs' establishments, and of those for domestic taxes, of salt offices and warehouses, and of the boards of direction, or in the support of the individuals employed in such offices and capacities, and in the granting of pensions to them, or in any other way necessarily resulting from the administration of the customs.

2. With respect to that portion of the expense which is required for the customs' officers employed in levying the duties, and in the control or examination of merchandise, and in the escort thereof upon the territories adjoining a foreign country, and within the boundary district belonging to

such territories, an agreement shall be made as to the sum total which shall be deducted by each of the contracting states, from the gross amount of the customs' duties received annually, and becoming common property.

3. In cases where the levying of private taxes is united with that of the customs' duties, only that portion of the salary and necessary expenses of the customs' officers, which is proportionate to their services in the customs, compared with their other duties, shall be reckoned in arranging their allowances.

4. General rules shall be agreed upon in order to effect the utmost possible similarity in the rates of pay of the officers employed in levying duties and examining merchandize, and of those belonging to the boards of direction.

XXXI. The contracting states reciprocally concede to each other the right of nominating, at the principal customs' stations on the boundaries of the states of the union, comptrollers, who shall take cognizance of the operations there, and at the auxiliary stations, relative to the despatch of merchandize and the observance of the boundaries, and shall co-operate in the maintenance of the legal regulations, and in the removal of any defects; but they shall refrain from issuing any directions of their own.

It is reserved for further negotiation on this subject, whether any and what share in the current business shall be taken by the above comptrollers.

XXXII. Each of the contracting states shall have the right to delegate officers to the customs' boards of direction in other states of the union, for the purpose of acquiring

a perfect knowledge of all the business connected with the administration of the customs, and with the community of interests established in the present treaty.

The relative duties of those officers shall be further defined in a special instruction, of which an unreserved disclosure on the part of the state where the delegates act, relative to matters connected with the general management of the customs, and the facilitating of every means of acquiring information on the subject, shall be the basis; whilst on the part of the delegates, attention shall be paid with equal sincerity to the reconciling, in accordance with the mutual objects and relations of the confederated states, of any doubts and differences of opinion which may arise.

The Ministerial departments of all the states of the union shall reciprocally communicate, when requested, every desired information upon the general affairs of the customs; and with respect to the temporary or permanent appointment of a superior officer, or should the deputing of a plenipotentiary, otherwise accredited to the Government, be desirable for that purpose, every opportunity shall be readily afforded according to the above expressed principle to such delegate, in order to enable him to become perfectly acquainted with the general management of the customs.

XXXIII. A congress, at which each of the governments of the union shall appoint a plenipotentiary, shall be held annually about the beginning of June, for the purpose of general discussion.

A president, who shall not, however, enjoy any personal advantage, shall be chosen by the

plenipotentiaries at the conference, from among themselves, in order formally to direct their proceedings.

The first congress shall be held at Munich, and the subsequent places of meeting shall be agreed upon at the close of each annual congress, according to the nature of the objects expected to be discussed at the ensuing conferences.

XXXIV. The attention of the plenipotentiaries at the conference shall be directed to—

*a.* The consideration of all difficulties and defects which may be observable in one or other of the contracting states, in the execution of the primary treaty, of the special stipulations of the customs' laws and regulations, and of the tariff, which may not have been removed during the year, in consequence of a correspondence upon the subject between the ministerial departments;

*b.* The definitive apportionment among the states of the union of the general receipts, according to the documents prepared by the principal officers of the customs, and submitted to them after examination by the central office, which may be necessary for the purpose of examining the accounts in a manner suitable to the common interest;

*c.* The consideration of all requests and proposals for improving the customs' administration, which may be submitted by any of the governments of the union;

*d.* The negotiation of such alterations of the customs' laws, of the tariff, of the customs' regulation, and of the organization of the administration thereof, as may be proposed by any one of the contracting states;

And, generally, to the suitable

developement and accomplishment of a common system of trade and customs.

XXXV. If any extraordinary circumstance should occur in the course of the year, at any other period than that of the meeting of the Congress of Plenipotentiaries, which calls for immediate measures and arrangements on the part of the states of the union, the contracting parties shall concert thereupon in the usual diplomatic manner, or convoke an extraordinary meeting of their plenipotentiaries.

XXXVI. The expenses of the plenipotentiaries, and of their assistants, shall be defrayed by the Government by which they are deputed; but the chancery expenses, local and personal, shall be defrayed by the Government of the territory in which the conference is held.

XXXVII. If, at the time of the execution of the present treaty, a uniformity in the rate of import duties should not have been brought into operation in the countries of the contracting governments, they shall be bound to adopt every regulation which may be necessary, in order that the customs' revenues of the union, collectively, may not be injured by the importation and collection of articles of merchandise, upon which no duties have been paid, or smaller duties are payable than those contained in the tariff of the union.

XXXVIII. In case other German states should notify their wish to be admitted into the Customs' Union established by the present treaty, the high contracting parties shall declare, that they are ready to comply with that wish, so far as it may be compatible with a due regard to the peculiar interests of the members of the union, by

concluding treaties for that purpose.

XXXIX. They shall also exert themselves to facilitate and extend as much as possible, by means of treaties with other states, the commerce of their subjects.

XL. Whatever is necessary to the execution, in detail, of the stipulations contained in the present treaty, and in those that may be supplementary to it, more especially to the preparation of the principal agreements, regulations, and instructions established in common, shall be performed by special commissioners.

XLI. The present treaty, which is to be brought into operation on the 1st of January, 1834, shall continue in force until the 1st of January, 1842; and if, during that term, and, at the latest, two years before the expiration of it, the contrary should not be declared, the period of its continuance shall be prolonged to twelve years, and afterwards from twelve years to twelve years.

The latter arrangement shall, however, be observed, only in case all the states of the Germanic Confederation should not, in the meantime, agree upon adopting, in common, such measures as may fully accomplish the object of the present Customs' Union, and be in accordance with the intention expressed in the XIXth article of the act of the Germanic Confederation.

Should any general regulations be adopted, relative to a free intercourse in the necessities of life in all the states of the Germanic Confederation, the stipulations on the subject in the tariff of the Union, prepared in conformity with the present treaty, shall be modified accordingly.

The present treaty shall be forthwith submitted for the ratification of the high contracting courts, and the declarations of ratification shall be exchanged at Berlin within six weeks at the latest.—Done at Berlin, the 22d March, 1833.

Here follow the signatures.

No. 2.

#### ADDITIONAL ARTICLES.

Additional Articles to the Customs' Union Treaty of the 22d March, 1833, between Prussia, the Electorate of Hesse, and the Grand Duchy of Hesse, on the one part, and Bavaria and Wurtemberg on the other part.—Signed at Berlin, 31 October 1833.

Art. 1. His Majesty the King of Bavaria, and his Majesty the King of Wurtemberg, shall in conformity with the agreement contained in the 4th Article of the Customs' Union Treaty of 22d of March, 1833, cause to be published in their states the annexed customs' regulation and tariff, which shall together, form their customs' law. The said customs' tariff shall in like manner be published, at the same time as the above treaty, in the kingdom of Prussia, the Electorate of Hesse, and the Grand Duchy of Hesse, but without interfering with the customs' laws and regulations existing in those states. The laws and customs' regulations alluded to in this article, and also the tariff, shall be regarded as integral parts of the treaty of 22d March 1833.

11. The contracting parties shall, as soon as possible, make arrangements, in order that the punishment of offences of every description against the customs' laws, which equally affect the interests of all the states of the Union, may be regulated according to uniform principles.



The undersigned plenipotentiaries have executed and sealed, with a reservation as to ratification, the preceding articles, which shall have the same force and validity as if they were contained in the treaty of 22d March, 1833.—

Done at Berlin, the 31st October 1833.

Here follow the signatures.

Mem.—The ratifications of this treaty, and of the Additional Articles, were exchanged at Berlin, on the 28th of November, 1833.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES TO THE  
TWO HOUSES OF CONGRESS.

December 4th, 1838.

*Fellow citizens of the Senate and House of Representatives,—*

I congratulate you on the favourable circumstances in the condition of our country, under which you re-assemble for the performance of your official duties. Though the anticipations of an abundant harvest everywhere have not been realized, yet, on the whole, the labours of the husbandman are rewarded with a bountiful return; industry prospers in its various channels of business and enterprise; general health prevails again through our vast diversity of climate; nothing threatens from abroad the continuance of external peace; nor has anything at home impaired the strength of those fraternal and domestic ties which constitute the only guarantee to the success and permanency of our happy union, and which, formed in the hour of peril, have hitherto been honourably sustained through every vicissitude in our national affairs. These blessings, which evince the care and the beneficence of Providence, call for our devout and fervent gratitude.

We have not less reason to be grateful for other bounties bestowed by the same munificent hand, and more exclusively our own.

The present year closes the first

half-century of our federal institutions; and our system—differing from all others in the acknowledged, practical and unlimited operation which it has for so long a period given to the sovereignty of the people—has now been fully tested by experience.

The constitution devised by our forefathers as the frame-work and bond of that system, then untried, has become a settled form of government, not only preserving and protecting the great principles upon which it was founded, but wonderfully promoting individual happiness and private interests. Though subject to change and entire revocation, whenever deemed inadequate to all these purposes, yet such is the wisdom of its construction, and so stable has been the public sentiment, that it remains unaltered, except in matters of detail comparatively unimportant. It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formidable foreign war; agitating collisions between domestic, and in some respects, rival sovereignties; temptations to interfere in the intestine commotions of neighbouring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tenden-

cies of associated wealth—these, with other trials not less formidable, have all been encountered, and thus far successfully resisted.

It was reserved for the American Union to test the advantages of a Government entirely dependent on the continual exercise of the popular will; and our experience has shown, that it is as beneficent in practice, as it is just in theory. Each successive change made in our local institutions, has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted more and more the powers of Government; yet the intelligence, prudence, and patriotism of the people have kept pace with this augmented responsibility. In no country has education been so widely diffused. Domestic peace has no where so largely reigned. The close bonds of social intercourse have in no instance prevailed with such harmony over a space so vast. All forms of religion have united for the first time to diffuse charity and piety, because for the first time in the history of nations all have been totally untrammelled, and absolutely free. The deepest recesses of the wilderness have been penetrated; yet, instead of the rudeness in the social condition consequent upon such adventures elsewhere, numerous communities have sprung up already unrivalled in prosperity, general intelligence, internal tranquillity, and the wisdom of their political institutions. Internal improvements, the fruit of individual enterprise, fostered by the protection of the states, has added new links to the confederation and fresh re-

wards to provident industry. Doubtful questions of domestic policy have been quietly settled by mutual forbearance; and agriculture, commerce, and manufactures, minister to each other. Taxation and public debt, the burdens of which bear so heavily upon all other countries, have pressed with comparative lightness upon us. Without one entangling alliance, our friendship is prized by every nation; and the rights of our citizens are everywhere respected, because they are known to be guarded by an united, sensitive, and watchful people.

To this practical operation of our institutions so evident and successful, we owe that increased attachment to them which is among the most cheering exhibitions of popular sentiment, and will prove their best security in time to come, against foreign or domestic assault.

This review of the result of our institutions for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they have sprung—constant and direct supervision by the people over every public measure, strict forbearance on the part of the Government from exercising any doubtful or disputed powers, and a cautious abstinence from all interference with concerns which properly belong, and are best left, to state regulations and individual enterprise.

Full information of the state of our foreign affairs having been recently, on different occasions, submitted to Congress, I deem it necessary now to bring to your notice only such events as have subsequently occurred, or are of such

importance as to require particular attention.

The most amicable dispositions continue to be exhibited by all the nations with whom the Government and citizens of the United States have an habitual intercourse. At the date of my last annual message, Mexico was the only nation which could not be included in so gratifying a reference to our foreign relations.

I am happy to be now able to inform you, that an advance has been made towards the adjustment of our difficulties with that republic, and the restoration of the customary good feeling between the two nations. This important change has been effected by conciliatory negotiations, that have resulted in the conclusion of a treaty between the two governments, which when ratified, will refer to the arbitrament of a friendly power all the subjects of controversy between us, growing out of injuries to individuals. There is, at present, also, reason to believe, that an equitable settlement of all disputed points will be attained without further difficulty, or unnecessary delay, and thus authorise the free resumption of diplomatic intercourse with our sister republic.

With respect to the north-eastern boundary of the United States, no official correspondence between this Government and that of Great Britain, has passed since that communicated to Congress, towards the close of their last Session. The offer to negotiate a convention for the appointment of a joint commission of survey and exploration, I am, however, assured will be met by her Majesty's Government in a conciliatory and

friendly spirit, and instructions to enable the British Minister here to conclude such an arrangement, will be transmitted to him without needless delay. It is hoped and expected, that these instructions will be of a liberal character and that this negotiation, if successful, will prove to be an important step towards the satisfactory and final adjustment of the controversy.

I had hoped, that the respect for the laws and regard for the peace and honour of their own country, which have ever characterized the citizens of the United States, would have prevented any portion of them from using any means to promote insurrection in the territory of a power with which we are at peace, and with which the United States are desirous of maintaining the most friendly relations. I regret, deeply, however, to be obliged to inform you, that this has not been the case. Information has been given to me, derived from official and other sources, that many citizens of the United States have associated together to make hostile incursions from our territory into Canada, and to aid and abet insurrection there, in violation of the obligations and laws of the United States, and in open disregard of their own duties as citizens. This information has been, in part, confirmed by a hostile invasion actually made by citizens of the United States, in conjunction with Canadians and others, and accompanied by a forcible seizure of the property of our citizens and an application thereof to the prosecution of military operations, against the authorities and people of Canada.

The results of these criminal assaults upon the peace and order of a neighbouring country have been, as was to be expected, fatally destructive to the misguided or deluded persons engaged in them, and highly injurious to those, in whose behalf they are professed to have been undertaken. The authorities in Canada, from intelligence received of such intended movements among our citizens, have felt themselves obliged to take precautionary measures against them, have actually embodied the militia, and assumed an attitude to repel the invasion to which they believed the colonies were exposed from the United States. A state of feeling on both sides of the frontier has thus been produced, which called for prompt and vigorous interference. If an insurrection existed in Canada, the amicable dispositions of the United States towards Great Britain, as well as their duty to themselves, would lead them to maintain a strict neutrality, and to restrain their citizens from all violations of the laws which have been passed for its enforcement. But this Government recognizes a still higher obligation to repress all attempts on the part of its citizens to disturb the peace of a country, where order prevails, or has been re-established. Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have, at all times, been regarded by the American Government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government,

or under any pretext whatever, have, from the commencement of our Government, been held equally criminal on the part of those engaged in them, and as much deserving of punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

By no country or persons have these invaluable principles of international law, principles, the strict observance of which is so indispensable to the preservation of social order in the world, been more earnestly cherished or sacredly respected than by those great and good men who first declared, and finally established, the independence of our own country. They promulgated and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of a highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintenance of our national honour. That the people of the United States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural; nor can a sincere solicitude for the success of all those who are at any time, in good faith, struggling for their acquisition, be imputed to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof on their part, the Government has neither the right, nor, I trust, the disposition, to interfere. But, whether the interest or the honour of the United States require, that they should be made a party to any such struggle, and by in-

evitable consequence to the war which is waged in its support, is a question, which, by our constitution, is wisely left to Congress alone to decide. It is, by the laws, already made criminal in our citizens to embarrass or anticipate that decision by unauthorised military operations on their part. Offences of this character, in addition to their criminality, as violations of the laws of our country, have a direct tendency to draw down upon our own citizens at large, the multiplied evils of a foreign war, and expose to injurious imputations, the good faith and honour of the country. As such they deserve to be put down with promptitude and decision. I cannot be mistaken, I am confident, in counting on the cordial and general concurrence of our fellow-citizens in this sentiment. A copy of the proclamation which I have felt it my duty to issue, is herewith communicated. I cannot but hope, that the good sense and patriotism, the regard for the honour and reputation of their country, the respect for the laws which they have themselves enacted for their own government and the love of order for which the mass of our people have been so long and so justly distinguished, will deter the comparatively few who are engaged in them, from a further prosecution of such desperate enterprises. In the meantime, the existing laws have been, and will continue to be, faithfully executed, and every effort will be made to carry them out to their full extent. Whether they are sufficient or not to meet the actual state of things on the Canadian frontier, it is for Congress to decide.

It will appear from the corres-

pondence herewith submitted, that the Government of Russia declines a renewal of the fourth article of the convention of April, 1824, between the United States and his imperial Majesty, by the third article of which it is agreed, that "hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of 50 deg. 40 min. of north latitude ; and that in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel." And, by the 4th article, "that, during a term of 10 years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." The reasons assigned for declining to renew the provisions of this article are, briefly, that the only use made by our citizens of the privilege it secures to them has been to supply the Indians with spirituous liquors, ammunition and fire-arms ; that this traffic has been excluded from the Russian trade, and, as the supplies furnished from the United States are injurious to the Russian establishments on the north-west coast, and calculated to produce complaint between the two Governments, his Imperial Majesty thinks it for the interest of both countries, not to accede

to the proposition made by the American Government for the renewal of the article last referred to.

The correspondence herewith communicated will show the grounds upon which we contend, that the citizens of the United States have, independently of the provisions of the convention of 1834, a right to trade with the natives upon the coast in question at unoccupied places, liable, however, it is admitted, to be at any time extinguished by the creation of Russian establishments at such points. This right is denied by the Russian Government, which asserts, that by the observation of the treaty of 1824, each party agrees to waive the general right to land on the vacant coasts on the respective sides of the degree of latitude referred to, and accepted in lieu thereof, the mutual privileges mentioned in the fourth article. The capital and tonnage employed by our citizens in their trade with the north-west coast of America, will, perhaps, on advert- ing to the official statements of the commerce and navigation of the United States for the last few years, be deemed too inconsiderable in amount to attract much attention ; yet the subject may, in other respects, deserve the careful consideration of Congress.

I regret to state, that the blockade of the principal ports on the eastern coast of Mexico, which, in consequence of difference between that republic and France, was instituted in May last, unfortunately still continues, enforced by a competent French naval force, and is necessarily embarrassing to our own trade in the gulf, in common with that of other nations. Every

disposition, however, is believed to exist on the part of the French Government to render this measure as little onerous as practicable to the interests of the citizens of the United States, and to those of neutral commerce ; and it is to be hoped an early settlement of the differences between France and Mexico will soon re-establish the harmonious relations formerly subsisting between them, and again open the ports of that republic to the vessels of all friendly nations.

A convention for marking that part of the boundary between the United States and the republic of Texas, which extends from the mouth of the Sabine to the Red River, was concluded and signed at this city on the 25th of April last. It has since been ratified by both Governments, and seasonable measures will be taken to carry it into effect on the part of the United States.

The application of that republic for admission into the Union, made in August, 1837, and which was declined, for reasons already made known to you, has been formally withdrawn, as will appear from the accompanying copy of the note of the Minister Plenipotentiary of Texas, which was presented to the Secretary of State on the occasion of the exchange of the ratifications of the convention above-mentioned.

Copies of the convention with Texas, of a commercial treaty concluded with the King of Greece, and of a similar treaty with the Peru-Bolivian Confederation, the ratifications of which have been recently exchanged, accompany this message for the information of Congress, and for such legislative enactments as may be found



necessary or expedient in relation to either of them.

To watch over and foster the interests of a gradually increasing and widely-extended commerce; to guard the rights of American citizens, whom business or pleasure, or other motives may tempt into distant climes, and at the same time to cultivate those sentiments of mutual respect and goodwill which experience has proved so beneficial in international intercourse, the Government of the United States has deemed it expedient, from time to time, to establish diplomatic connections with different foreign states, by the appointment of representatives to reside within their respective territories. I am gratified to be enabled to announce to you, that since the close of your last session these relations have been opened under the happiest auspices with Austria and the Two Sicilies; that new nominations have been made in the respective missions of Russia, Brazil, Belgium, and Sweden and Norway, in this country; and that a Minister Extraordinary has been received, accredited to this Government, from the Argentine Confederation.

An exposition of the fiscal affairs of the Government and of their condition for the past year will be made to you by the Secretary of the Treasury.

The available balance in the Treasury on the 1st of January next is estimated at \$2,765,342. The receipts of the year, from customs and lands, will probably amount to \$20,615,598. These usual sources of revenue have been increased by an issue of Treasury notes, of which less than \$8,000,000, including interest and principal, will be outstanding at the end of

the year, and by the sale of one of the bonds of the Bank of the United States, for \$2,254,871. The aggregate of means from these and other sources, with the balance on hand on the 1st of January last, has been applied to the payment of appropriations by Congress. The whole expenditure for the year on their account, including the redemption of more than 8,000,000 of Treasury notes, constitute an aggregate of about \$40,000,000, and will still leave in the Treasury the balance before stated.

Nearly 8,000,000 of Treasury notes are to be paid during the coming year, in addition to the ordinary appropriations for the support of Government. For both these purposes the resources of the Treasury will undoubtedly be sufficient, if the charges upon it are not increased beyond the annual estimates. No excess, however, is likely to exist; nor can the proposed instalment of the surplus revenue be deposited with the States, nor any considerable appropriations beyond the estimates be made, without causing a deficiency in the Treasury. The great caution, advisable at all times, of limited appropriations to the wants of the public service, is rendered necessary at present by the prospective and rapid reduction of the tariff; while the vigilant jealousy, evidently excited among the people by the occurrences of the last few years, assures us that they expect from their representatives and will sustain them in the exercise of the most rigid economy. Much can be effected by postponing appropriations not immediately required for the ordinary public service, or for any pressing emergency; and much by reduc-

ing the expenditures where the entire and immediate accomplishment of the objects in view is not indispensable.

When we call to mind the recent and extreme embarrassments produced by excessive issues of bank paper, aggravated by the unforeseen withdrawal of much foreign capital, and the inevitable derangement arising from the distribution of the surplus revenue among the States, as required by Congress; and consider the heavy expenses incurred by the removal of Indian tribes, by the military operations in Florida, and on account of the unusually large appropriations made at the last two annual sessions of Congress for other objects, we have striking evidence in the present efficient state of our finances of the abundant resources of the country to fulfil all its obligations. Nor is it less gratifying to find, that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future. By the curtailment of paper issues, by curbing the sanguine and adventurous spirit of speculation, and by the honourable application of all available means to the fulfilment of obligations, confidence has been restored both at home and abroad, and ease and facility secured to all the operations of trade.

The agency of the Government in producing these results has been as efficient as its powers and means permitted. By withholding from the States the deposit of the fourth instalment, and leaving several millions at long credits with the banks, principally in one section of the country, and more

immediately beneficial to it, and at the same time aiding the banks and commercial communities in other sections, by postponing the payment of bonds for duties to the amount of between \$4,000,000 and \$5,000,000 by an issue of Treasury notes as a means to enable the Government to meet the consequences of their indulgences, but affording at the same time facilities for remittance and exchange, and by steadily declining to employ as general depositories of the public revenues, or receive the notes of all banks which refused to redeem them with specie—by these measures, aided by the favourable action of some of the banks, and by the support and co-operation of a large portion of the community, we have witnessed an early resumption of specie payments in our great commercial capital, promptly followed in almost every part of the United States. This result has been alike salutary to the true interests of agriculture, commerce, and manufactures, to public morals, respect for the laws, and that confidence between man and man which is so essential in all our social relations.

The contrast between the suspension of 1814 and that of 1837 is most striking. The short duration of the latter, the prompt restoration of business, the evident benefits resulting from an adherence by the Government to the constitutional standard of value, instead of sanctioning the suspension by the receipt of irredeemable paper, and the advantages derived from the large amount of specie introduced into the country previous to 1837, afford a valuable illustration of the true policy of the Government in such a crisis.

Nor can the comparison fail to remove the impression that a national bank is necessary in such emergencies. Not only were specie payments resumed without its aid, but exchanges have also been more rapidly restored than when it existed; thereby showing, that private capital, enterprise, and prudence, are fully adequate to those ends. On all these points experience seems to have confirmed the views heretofore submitted to Congress. We have been saved the mortification of seeing the distresses of the community for the third time seized on to fasten upon the country so dangerous an institution; and we may also hope that the business of individuals will hereafter be relieved from the injurious effects of a continued agitation of that disturbing subject. The limited influence of a national bank in averting derangement in the exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculations by sudden expansions and contractions; its disposition to create panic, and embarrassment for the promotion of its own designs; its interference with politics; and its far greater power for evil than for good, either in regard to the local institutions or to the operations of Government itself. What was in these respects but apprehension or opinion when a national bank was first established now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finances, require such an institution, and what dangers are attendant on its power—a power, I

trust, never to be conferred by the American people upon their Government, and still less upon individuals not responsible to them for its unavoidable abuses.

My conviction of the necessity of further legislative provisions for the safe keeping and disbursement of the public monies, and my opinion in regard to the measures best adapted to the accomplishment of those objects, have been already submitted to you. These have been strengthened by recent events, and in the full conviction that time and experience must still further demonstrate their propriety, I feel it my duty, with respectful deference to the conflicting views of others, again to invite your attention to them.

With the exception of limited sums deposited in the few banks still employed under the act of 1836, the amounts received for duties, and, with very inconsiderable exceptions those accruing from lands also, have, since the general suspension of specie payments by the deposit banks, been kept and disbursed by the Treasurer, under his general legal powers, subject to the superintendence of the Secretary of the Treasury. The propriety of defining more specifically, and of regulating by law, the exercise of this wide scope of executive discretion, has been already submitted to Congress.

A change in the office of collector at one of our principal ports has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the Secretary of the Treasury. By his report and the accompanying documents, it will be seen that the weekly returns of the default-

ing officer apparently exhibited throughout a faithful administration of the affairs intrusted to his management. It, however, now appears that he commenced abstracting the public money shortly after his appointment, and continued to do so, progressively increasing the amount, for the term of more than seven years, embracing a portion of the period during which the public monies were deposited in the Bank of the United States, the whole of that of the state bank deposit system, and concluding only on his retirement from office, after that system had substantially failed, in consequence of the suspension of specie payments.

The way in which this defalcation was so long concealed, and the steps taken to indemnify the United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the establishment of a more severe and secure system for the safe keeping and disbursement of the public monies than any that has heretofore existed.

It seems proper, at all events, that, by an early enactment, similar to that of other countries, the application of public money by an officer of Government to private uses should be made a felony, and visited with severe and ignominious punishment. This is already, in effect, the law in respect to the Mint, and has been productive of the most salutary results. Whatever system is adopted, such an enactment would be wise, as an independent measure, since much of the public monies must, in their collection and ultimate disburse-

ment, pass twice through the hands of public officers, in whatever manner they are immediately kept. The Government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation. It is a duty, therefore, which the Government owes, as well to the interests committed to its care as to the officers themselves, to provide every guard against transgressions of this character that is consistent with reason and humanity. Congress cannot be too jealous of the conduct of those who are intrusted with the public money, and I shall at all times be disposed to encourage a watchful discharge of this duty. If a more direct co-operation on the part of Congress in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished. You will, in your wisdom, determine upon the propriety of adopting such a plan, and upon the measure necessary to its effectual execution. When the late bank of the United States was incorporated, and made the depository of the public monies, a right was reserved to Congress to inspect, at its pleasure, by a committee of that body, the books and proceedings of the bank. In one of the states, whose banking institutions are supposed to rank among the first in point of stability, they are subject to constant

examination by commissioners appointed for that purpose, and much of the success of its banking system is attributed to this watchful supervision. The same course has also, in view of its beneficial operation, been adopted by an adjoining state, favourably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public monies. The frequent performance of this duty might be made obligatory on the committee in respect of those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office, unless the default was satisfactorily accounted for; and report also to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the Executive, to examinations by a committee of Congress at periods at which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safe keeping of the public money, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the Government.

The Secretary of the Treasury will lay before you additional in-

formation containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion cannot be a subject of surprise. After the collection and custody of the public monies had been for so many years connected with, and made subsidiary to, the advancement of private interests, a return to the simple and self-denying ordinances of the constitution could not but be difficult. But time and free discussion eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation on one important point at least—the impropriety of diverting public money to private purposes—been fully realized. There is no reason to suppose, that legislation upon that branch of the subject would now be embarrassed by a difference of opinion, or fail to receive the cordial support of a large majority of our constituents. The connexion which formerly existed between the Government and banks was, in reality, injurious to both, as well as to the general interests of the community at large. It aggravated the disasters of trade, and the derangement of commercial intercourse, and administered new excitement and additional means to wild and reckless speculations, the disappointments of which threw the country into convulsions of panic, and all but produced violence and bloodshed. The imprudent expansion of bank credits, which was the natural result of the command of the revenues of the state, fur-

nished the resources for unbounded licence in every species of adventure, seduced industry from its regular and salutary occupations by the hope of abundance without labour, and deranged the social state by tempting all trades and professions into the vortex of speculation on remote contingencies.

The same wide-spreading influence impeded also the resources of the Government, curtailed its useful operations, embarrassed the fulfilment of its obligations, and seriously interfered with the execution of the laws. Large appropriations and oppressive taxes are the natural consequences of such a connexion, since they increase the profits of those who are allowed to use the public funds, and make it their interest that money should be accumulated, and expenditures multiplied. It is thus, that a concentrated money power is tempted to become an active agent in political affairs, and all past experience has shown on which side that influence will be arrayed. We deceive ourselves if we suppose, that it will ever be found asserting and supporting the rights of the community at large, in opposition to the claims of the few.

In a Government whose distinguishing characteristic should be a diffusion and equalization of its benefits and burdens, the advantage of individuals will be augmented at the expense of the mass of the people. Nor is it the nature of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed. The temptation to extend it to other matters is, on the contrary, not

unfrequently too strong to be resisted. The influence in the direction of public affairs of the community at large, is, therefore, in no slight danger of being sensibly and injuriously affected by giving to a comparatively small but very efficient class a direct and exclusive personal interest in so important a portion of the legislation of Congress as that which relates to the custody of the public monies. If laws acting upon private interests cannot always be avoided, they should be confined within the narrowest limits, and left, wherever possible, to the Legislatures of the States. When not thus restricted, they lead to combinations of powerful associations, foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends, rather than to objects that advance public liberty, and promote the general good.

The whole subject now rests with you, and I cannot but express a hope, that some definite measure will be adopted at the present Session.

It will not, I am sure, be deemed out of place for me here to remark, that the declaration of my views, in opposition to the policy of employing banks as depositories of the Government funds, cannot justly be construed as indicative of hostility official or personal, to those institutions; or to repeat, in this form, and in connexion with this subject, opinions which I have uniformly entertained, and on all proper occasions expressed. Though always opposed to their creation in the form of exclusive privileges, and, as a state magistrate, aiming by appropriate legislation to secure the community against the con-



sequences of their occasional mismanagement, I have ever yet wished to see them protected in the exercise of rights conferred by law, and have never doubted their utility, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. To the general Government they present themselves merely as state institutions, having no necessary connexion with its legislation or its administration. Like other state establishments they may be used or not in conducting the affairs of the Government, as public policy and the general interests of the Union may seem to require. The only safe or proper principle upon which their intercourse with the Government can be regulated is that which regulates their intercourse with the private citizen—the conferring of mutual benefits. When the Government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid, as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms. Nor can there ever exist an interest in the officers of the general Government, as such, inducing them to embarrass or annoy the state banks, any more than to incur the hostility of any other class of state institutions, or of private citizens. It is not in the nature of things that hostility to those institutions can spring from this source, or any opposition to their course of business, except when they themselves depart from the objects of their creation, and attempt to usurp powers not conferred upon

them, or to usurp the standard of value established by the constitution. While the opposition to their regular operation cannot exist in this quarter, resistance to any attempt to make the Government dependent upon them for the successful administration of public affairs is a matter of duty, as I trust it ever will be of inclination, no matter from what motive or consideration the attempt may originate.

It is no more than just to the banks to say, that in the late emergency most of them firmly resisted the strongest temptations to extend their paper issues when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honourable cause, aided by the resistance of the general government, acting in obedience to the constitution and law of the United States, to the reduction of an irredeemable paper medium, may be attributed in a great degree the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity. The banks have but to continue in the same safe course, and be content in their appropriate sphere, to avoid all interference from the general government, and to derive from it all the protection and benefits which it bestows on other state establishments, on the people of the states, and on the states themselves. In this, their true position, they cannot but secure the confidence and good will of the people and the Government, which they can only lose when, leaping from their legitimate sphere, they attempt to control the legislation of the country, and pervert the

operations of the Government to their own purposes.

Our experience under the act passed in the last session, to grant pre-emption rights to settlers on public lands, has, as yet, been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the Government in that respect. There is, however, the best reason to anticipate favourable results from its operation. The recommendations formerly submitted to you, in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress, in relation to the tobacco trade, as indicated by the several resolutions of the House of Representatives and the legislation of the two branches. A favourable impression has, I trust, been made in the different foreign countries to which particular attention has been directed, and, although we cannot hope for an early change in their policy, as, in many of them, a convenient and large revenue is derived from monopolies in the fabrication and sale of this article, yet, as these monopolies are rarely injurious to the people where they are established, and the revenue derived from them may be less injuriously and with equal facility obtained from another and a liberal system of administration, we cannot doubt, that our efforts will be eventually crowned with success, if persisted in with temperate firmness,

and sustained by prudent legislation.

In recommending to Congress, the adoption of the necessary provisions at this session for taking the next census or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended by causing it to embrace the authentic statistical returns of the great interests especially intrusted to, or necessarily affected by, the legislation of Congress.

The accompanying report of the Secretary of War presents a satisfactory account of the state of the army, and of the several branches of the public service confided to the superintendence of that officer.

The law, increasing and organizing the military establishment of the United States, has been nearly carried into effect, and the army has been extensively and usefully employed during the past season.

I would again call to your notice the subjects connected with, and essential to, the military defences of the country, which were submitted to you at the last session, but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed, that it will furnish an effective volunteer force in aid of the regular army, and may form the basis for a general system of organization for the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small arms, the latter to be situated at some point west of the Alleghany mountains, all appear to be of

sufficient importance to be again urged upon your attention.

The plan proposed by the Secretary of War for the distribution of the forces of the United States, in time of peace is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the maintenance of the peace and tranquillity of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defence of the western frontier. The preservation of the lives and property of our fellow-citizens who are settled upon that border country, as well as the existence of the Indian population, which might be tempted by our want of preparation to rush on their own destruction and attack the white settlements, all seem to require, that this subject should be acted upon without delay, and the War Department authorized to place that country in a state of complete defence against an assault from the numerous and warlike tribes, which are congregated on that border.

It affords me sincere pleasure to be able to apprise you of the entire removal of the Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long standing controversy with them, have had the happiest effects. By an agreement, concluded with them by the commanding General in that country, who has performed the duties assigned to him on the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have

emigrated without any apparent reluctance.

The successful accomplishment of this important object is the removal also of the entire Creek nation, with the exception of a small number of fugitives amongst the Seminoles in Florida; the progress already made towards a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatamies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long-established policy of the Government upon the subject of Indian affairs entirely certain. The occasion is, therefore, deemed a proper one to place this policy in such a point of view as will exonerate the Government of the United States from the undeserved reproach which has been cast upon it through several successive administrations. That a mixed occupancy of the same territory by the white and red man is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability.

The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature have only been destruction, both physical and moral, to the Indians, dangerous conflicts of authority between the Federal and State Governments, and detriment to the individual prosperity of the citizen, as well as the general improvement of the country. The remedial policy, the principles of which were settled more than

thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title of all the lands still occupied by the Indians within the states and territories of the United States; their removal to a country west of the Mississippi, much more extensive, and better adapted to their condition than that on which they reside; the guarantee to them, by the United States, of their exclusive possession of that country for ever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of means suitable for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have laboured for its accomplishment, only with different degrees of success. The manner of its execution has, it is true, from time to time given rise to conflicts of opinion and unjust imputations: but in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of a contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the Federal Government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others where the civilized race has succeeded to the

possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offence can, however, be justly charged upon this Government since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout; its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting them from individual frauds unremitting; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge at least a comparison with any nation, ancient or modern, in similar circumstances; and if in future times a powerful, civilized, and happy nation of Indians shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy which has been so unjustly assailed. Only a very brief reference to facts in confirmation of this assertion can in this form be given, and you are, therefore, necessarily referred to the report of the Secretary of War for further details. To the Cherokees, whose case has perhaps excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, 13,554,135 acres of land, on the west side of the Mississippi, eligibly situated, in a healthy climate and in all respects better suited to their condition than the country they have left, in exchange for only 9,492,160 acres on the east side of the same river. The United States have in addition stipulated to pay them \$5,600,000.

for their interest in, and improvements on, the lands thus relinquished, and \$1,160,000 for subsistence and other beneficial purposes; thereby putting it in their power to become one of the most wealthy and independent separate communities, of the same extent, in the world.

By the treaties made and ratified with the Miamies, the Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, during the last year, the Indian title to 18,458,000 acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have, with other Indian expenses, borne very heavily upon the Treasury. They leave, however, but a small quantity of unbought Indian lands within the States and territories; and the Legislature and Executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties, which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the Senate, and received the sanction of Congress by the appropriations necessary to carry them into effect.

Of the terms upon which these important negotiations were concluded, I can speak from direct knowledge; and I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them is to be paid for at its fair value, and that no more favourable terms have been granted to the United States than could have been reasonably expected in a negotiation with civilized men, fully capable of ap-

preciating and protecting their own rights. For the Indian title to 116,349,897 acres, acquired since the 4th of March, 1829, the United States have paid \$72,500,056, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments and implements. When the heavy expenses incurred by the United States, and the circumstance that so large a portion of the entire territory will be for ever unsaleable, are considered, and this price is compared with that for which the United States sell their own lands, no one can doubt that justice has been done to the Indians in these purchases also.

Certain it is, that the transactions of the Federal Government with the Indians have been uniformly characterised by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend to justice and humanity to learn, that, notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and undeviating policy of the Government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the west is highly prosperous, and encourages the hope of their early civilization. They have, for the most part, abandoned

the hunter state, and turned their attention to agricultural pursuits. All those who have been established for any length of time in that fertile region maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent; but the greater number are small agriculturists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found at once a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe, that all these tribes are friendly in their feelings towards the United States; and, it is to be hoped, that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subdue their warlike propensities, and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the Secretary of War for their future government and protection, as well from each other as from the hostility of the warlike tribes around them, and the intrusions of the whites. The policy of the Government has given them a permanent home, and guaranteed to them its peaceable and undisturbed possession. It only remains to give them a government and laws which will encourage industry, and secure to them the rewards of their exertions. The importance of some form of government cannot be too much

insisted upon. The earliest effects will be to diminish the cause and occasions for hostilities among the tribes, to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and the motives of self-improvement. Intimately connected with this subject is the establishment of the military defences recommended by the secretary of war, which have been already referred to. Without them, the Government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering states.

The case of the Seminoles constitutes at present the only exception to the successful efforts of the government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and 1,500 in 1837 and 1838, leaving in the country, it is supposed, about 2,000 Indians. The continued treacherous conduct of these people, the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the territory, without distinction of age or sex, and making their way into the very centre and heart of the country, so that no part of it is free from their ravages; their frequent attacks on the lighthouses along that dangerous coast; and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked upon the reefs and keys which border the Gulf, leave the Government no alternative but to continue the military operations against



them until they are totally expelled from Florida.

There are other motives which would urge the Government to pursue this course towards the Seminoles. The United States have fulfilled in good faith all their treaty stipulation with the Indian tribes, and have, in every other instance, insisted upon a like performance of their obligations. To relax from this salutary rule, because the Seminoles have maintained themselves so long in the territory they had relinquished, and, in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evince a want of constancy on our part, but be of evil example in our intercourse with other tribes. Experience has shown, that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention the plan submitted by the secretary at war in the accompanying report, for the permanent occupation of the portion of the territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the secretary of the navy, herewith transmitted, it will appear that a large portion of the disposable naval force is either actively employed, or in a state of preparation, for the purposes of experience and discipline, and for the protection of our commerce. So effectual has been this protection, that, so far as the information of the Govern-

ment extends not a single outrage has been attempted on a vessel carrying the flag of the United States within the present year, in any quarter, however distant and exposed.

The exploring expedition sailed from Norfolk on the 19th of August last, and information has been received of its safe arrival at the island of Madeira. The best spirit animated the officers and crews, and there is every reason to anticipate from its efforts, results beneficial to commerce, and honourable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China seas, in the whale fisheries of the Pacific Ocean, and in the Gulf of Mexico, require equal attention to their safety; and a small squadron may be employed to great advantage on our Atlantic coast, in meeting sudden demands for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officer, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in this document. The rapid increase and wide expansion of our commerce, which is

every day seeking new avenues of profitable adventure; the absolute necessity of a naval force for its protection precisely in the degree of its extension; a due regard to the national rights and honour; the recollection of its former exploits, and the anticipation of its future triumphs, whenever opportunity presents itself, which we may rightfully indulge from the experience of the past—all seem to point to the navy as a most efficient arm of our national defence, and a proper object of legislative encouragement.

The progress and condition of the Post-office department will be seen by reference to the report of the Postmaster-general. The extent of post roads, covered by mail contracts, is stated to be 134,818 miles, and the annual transportation upon them is 34,580,202 miles. The number of post-offices in the United States is 12,553, and rapidly increasing. The gross revenue for the year ending on the 30th of June last was \$4,262,145. The accruing expenditure, \$4,680,068; excess of expenditure, \$417,923. This has been made up out of the surplus previously in hand. The cash in hand on the 1st instant was \$814,068. The revenue for the year ending June 30, 1838, was \$161,540 more than that for the year ending June 30, 1837. The expenditure of the department had been graduated upon the anticipation of a largely increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward

course in the march of improvement.

Your particular attention is requested to so much of the Postmaster-general's report as relates to the transportation of the mails upon railroads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied, as from that of others in the vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendations submitted at the last session in respect to the district of Colombia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this district, in the name of the United States, on the relation of Messrs. Stockton and Stokes, of the state of Maryland, against the Postmaster-general, and which have resulted in the payment of money out of the national Treasury, for the first time since the establishment of the Government, by judicial compulsion exercised by the common law writ of *mandamus*, issued by the Circuit Court of this district.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the Report

of the decision ; and any additional information which you may desire will be supplied by the proper department. No interference in the particular case is contemplated. The money has been paid, the claims of the prosecutors have been satisfied, and the whole subject, so far as they are concerned, is finally disposed of ; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands that I have thought it necessary to present it to your consideration.

The object of the application to the Circuit Court was to compel the Postmaster-general to carry into effect an award made by the Solicitor of the Treasury, under a special act of Congress for the settlement of certain claims of the relators on the Post-office Department, which award the Postmaster-general declined to execute in full until he should receive further legislative directions on the subject. If the duty imposed on the Postmaster-general by that law was to be regarded as one of an official nature, belonging to his office as a branch of the Executive, then it is obvious that the constitutional competency of the judiciary to direct and control him in its discharge was necessarily drawn in question. And if the duty so imposed on the Postmaster was to be considered merely ministerial and not executive, it yet remained to be shown that the Circuit Court of this district had authority to interfere by *mandamus*, such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the

Circuit Court was carried, by a writ of error, to the Supreme Court of the United States. In the opinion of that tribunal, the duty imposed on the Postmaster-general was not an official, executive duty, but one of a merely ministerial nature. The grave constitutional questions which had been discussed were, therefore, excluded from the decision of the case ; the court, indeed, expressly admitting that with powers and duties properly belonging to the executive no other department can interfere by the writ of *mandamus* ; and the question, therefore, resolved itself into this—has Congress conferred upon the Circuit Court of this district the power to issue such a writ to an officer of the general Government, commanding him to perform a ministerial act ? A majority of the court have decided that it has, but have founded their decision upon a process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interests, and the equal administration of justice.

It has long since been decided by the Supreme Court, that neither that tribunal nor the Circuit Courts of the United States held within the respective states possess the power in question ; but it is now held that this power, denied to both of these high tribunals (to the former by the constitution, and to the latter by Congress), has been, by its legislation, vested in the Circuit Court of this district. No such direct grant of power to the Circuit Court of this district is claimed ; but it has been held to result, by necessary implication, from several sections of the law establishing the

court. One of these sections declares, that the laws of Maryland, as they existed at the time of the cession, should be in force in that part of the district ceded by that state; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the district.

In England, the Court of King's Bench, because the Sovereign, who, according to the theory of the constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present in construction of law, alone possesses the high power of issuing the writ of *mandamus*, not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the King's name, to do what their duty requires, in case where there is a vested right, and no other specific remedy; it has been held, in the case referred to, that as the Supreme Court of the United States is by the constitution rendered incompetent to exercise this power, and as the Circuit Court of this district is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the district, the right to issue the writ of *mandamus* is incident to its common law powers. Another ground relied upon to maintain the power in question is, that it was included by fair construction, in the power it granted to the Circuit Courts of the United States by the act "to provide for the more convenient organization of the courts of the United States," passed 13th of February, 1801; that the act establishing the Cir-

cuit Court of this district, passed the 27th day of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the Circuit Courts of the United States and in the judges of the said courts; that the repeal of the first-mentioned act, which took place in the next year, did not divest the Circuit Court of this district of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the Circuit Courts of the United States by the repeal of the act of the 13th of February, 1801.

Admitting that the adoption of the laws of Maryland for a portion, of this district confers on the Circuit Court thereof, in that portion, the transcendent extrajudicial prerogative powers of the Court of King's Bench in England, or that either of the acts of Congress, by necessary implication, authorize the former court to issue a writ of *mandamus* to an officer of the United States to compel him to perform a ministerial duty, the consequences are in one respect the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision—those in the States to one rule and those in the district of Colombia to another and a very different one. In the district their official conduct is subject to a judicial control, from which in the States they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judici-

ary, in a system of government constituted like that of the United States, all must agree that these disparaging discrepancies in the law and in the administration of justice ought not to be permitted

to continue; and, as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

**M. VAN BUREN.**

## P A T E N T S.

William Retland Pzon, of Cambridge, for improvements applicable to steam-engines.

Henry William Nunn, of Whippenham, Isle of Wight, lace manufacturer, for improvements in the manufacture and in the making or producing of certain descriptions of lace and other ornamental fabrics.

Nathaniel Worsdell, of Crown-street, Liverpool, coachbuilder, for improvements in apparatus to facilitate the conveyance of mail bags and other parcels on railways or roads.

Bennet Woodcroft, of Mumps, Oldham, Lancaster, gent., for improvements in the construction of looms for weaving various sorts of cloths which looms may be set in motion by any adequate power.

William Wells, of Manchester, machine-maker, and Samuel Eccles, of the same place, merchant, for certain improvements in power-looms, and in hand-looms, for weaving plain and figured fabrics.

Hugh Ford Bacon, of Fen Drayton, Cambridge, Clerk, for an improved apparatus for regulating the flow or supply of gas through pipes to gas-burners with a view to uniformity of supply.

William Southam, of Ditchford Mills, Nottingham, miller, for an improved apparatus or machine for drying corn and other grains and seeds.

Charles Watt, of Manchester, lecturer on chemistry, and Thomas Rainforth Tebbutt, of the same place, merchant, for certain improvements in the manufacture of the hydrate and carbonate of soda, from the chloride of sodium, applicable to the making of soap, glass, and other useful purposes.

Richard Bright, of Bruton-street, Berkeley-square, lamp manufacturer, for a new or improved apparatus or contrivance for effecting the more complete combustion of candles, and superseding the necessity of snuffing.

Charles Barnard, of Norwich, ironmonger, for an improved mangle.

George Chapman, of Whitby, York, engineer, for certain improvements in steam-engines.

Henry Hewitt, of No. 5, Stockwell Common, Surrey, gent., for a new or improved chemical compound or medicine, to be used in the form of pills, for the cure or amelioration of sciatica, rheumatism, and gout, lumbago, ague, and other diseases of a similar nature.

Julian Augustus Turner, of No. 2, Henry-street, Liverpool, architect, for an improved method of propelling vessels through water.

Luke Barton, of Arnold, Nottingham, frame-smith, for certain improvements in machinery for framework knitting.

Frederick Oldfield Ward, of Camberwell, Surrey, medical student, for an improvement or improvements in clothes and other brushes.

Ambrose Ador, of Leicester-square, Middlesex, chemist, for certain improvements in producing or obtaining motive power.

Herbert George James, of Lower Thames-street, wine merchant, for an improvement in making bread, being a communication from a foreigner residing abroad.

Thomas Hancock, of Goswell-Mews, Middlesex, patent waterproof cloth manufacturer, for improvements in the method of manufacturing or preparing caoutchouc.



either alone or in combination with other substances.

Robert Garton, of Beverly, York, millwright, for improvements in presses.

Francis Charles Parry, of Brompton, Middlesex, esq., and Charles de Laveleye, of King's-head-court, London, engineer, for improvements in the manufacture of bricks.

Charles Hancock, of Grosvenor-place, Hyde Parke, Middlesex, animal painter, for certain improved means of producing figured surfaces, sunk, and in relief, and of printing therefrom; and also of moulding, stamping and embossing.

William Bate, of Werrington, Northampton, esq., for certain improvements in obtaining and regulating power.

Matthew Heath, of Furnival's Inn, London, esq., for improvements in engines to be worked by steam or other fluids, being a communication from a foreigner residing abroad.

Charles Flude, of Long-lane, Bermondsey, Surrey, manufacturing chemist, for his invention of improvements in applying heat to the manufacture of alkalis and salts, and for smelting and otherwise working ores, metals, and earths.

Charles Phillips, of Chipping Norton, Oxford, surgeon, for improvements in apparatus or machinery for punching, bending, cutting, and joining metal, and for holding or screwing metal to be punched, bent, cut, or otherwise operated on; parts of which machinery are adapted to perform some of these operations on other materials.

John Barnard Humphreys, of Southampton, civil engineer, for his invention of improvements in marine and other steam-engines.

David Wilkinson Sharp, of Biunley, York, worsted spinner, for certain improvements in machinery or apparatus for warping worsted, linen, cotton, silk, or woollen yarns.

George Ryder Peppercorne, of Vauxhall, Surrey, gent., for an improved machinery to be employed for locomotion on railroads and

other roads, which is also applicable to other engines for exerting power.

William Holme Heginbotham, of Stockport, Chester, gent., for certain improvements in the construction of gas retorts.

George Charlton, of Wapping Middlesex, master mariner, for improvements in anchors, capstans, windlasses, and means of mooring and riding ships at anchor.

John Melville, of Upper Harley-street, Middlesex, gent., for improvements in the generation of steam, and on the applications of steam to navigation.

Jerome Deville, of Crutched Friars, London, coach-builder, for certain improvements in railroads and in the carriages to be used thereon.

Robert Essex, of St. Mary Islington, Middlesex, silversmith, for certain improvements in the construction of paddle wheels, and in the paddle boxes or cases of steam vessels.

James Dutton, of Wotton Under-edge Gloucester, clothier, for certain improvements in the manufacture of woollen cloth, which improvements apply both to weaving and dressing of woollen cloth.

William Farquhar, of George-street, Tower Hill, London, chronometer maker, for improvements in generating steam for steam-engines.

Johann Gottlieb Seyrig, of Paris, in the kingdom of France, mechanician, now of Old Compton-street, Soho, Middlesex, for certain improvements in expressing or extracting liquids or moisture from woollen, cotton, and other stuffs, and substances, either in a manufactured or unmanufactured state.

John Ericsson, of Berkeley-street, Connaught-square, Middlesex, civil engineer, for an improved steam-engine.

John Jackson, of Kersley, Lancaster, joiner and cabinet maker, for certain improvements in sawing, planing, tonguing, and grooving, and otherwise preparing or constructing window sashes, door, and other frames, cornices, mouldings, and

various other fittings or ornamental wood work; and in machinery, tools, or apparatus to be used in the same.

Eugene Richard Ladislav de Breza, late of Paris, but now of St. Martin's-street, Leicester-square, gent., for a chemical combination or compound for rendering cloth, wood, paper, and other substances indestructible by fire, and also preserving them from the ravages of insects.

Jeremiah Grime, of Bury, Lancaster, engraver, for certain improvements in manufacturing wheels which are applicable to locomotive engines, tenders and carriages, and to running wheels for other useful purposes, and also in the apparatus for constructing the same.

John Clay, of Cottingham, near Hull, York, merchant, Samuel Walker, of Millshaw, near Leeds, cloth manufacturer, and Frederick Rosenberg, of Hull, gent., for certain improvements in machinery or apparatus for shearing or cropping, and dressing and finishing woollen and other cloths.

Edward Stelle, of Arundel-street, Strand, esq., for improvements in making sugar from sugar cane, and in refining sugar.

Moses Poole, of Lincoln's-inn-Middlesex, gent., for improvements in preserving wine and fermented liquids in bottles, being a communication from a foreigner residing abroad.

John Houlston, of Bradford, York, printer, for improvements in apparatus for stopping or retarding carriages.

Ambrose Ador, of Leicester-square, Middlesex, chemist, for certain improvements on lamps or apparatus for producing or affording light.

John Thomas Betts, of Smithfield Bars, London, rectifier, for improvements in the manufacture of gin, which he intends to denominate "Bett's patent gin," or "Bett's patent stomach gin," being a communication from a foreigner abroad.

Michael Wheelwright Ivison, of Hailes-street, Edinburgh, silk spinner,

for an improved method of consuming smoke in furnaces, and other places where fire is used, and for economising fuel, and also for applying air heated or cold to blasting or smelting furnaces.

Josiah Pearce Holebrook, of Devonshire-place, Edgeware-road, gent., for an improved method, or improved methods, of propelling vessels.

John Danforth Greenwood, and Richard Wynne Keene, of the Belvedere-road, Lambeth, manufacturers, for an improvement in the manufacture of cement, and in the application of cements and other earthy substances to the purpose of producing ornamental surfaces.

Hippolyte Francois De Bouffet Montauban, colonel of cavalry, of Sloane-street, Chelsea, and John Carvalho de Medeiros, of Old London-street, merchant, for certain improvements in the means of producing gas for illumination, and in apparatus connected with the consumption thereof, being a communication from a foreigner residing abroad.

William Wastley Richards, of Birmingham, gun-maker, for an improved primer for fire-arms.

Charles Fletcher, of Stroud, Gloucester, mechanist, for certain improvements in the construction of looms for weaving.

William Lewis, of Brinscomb, and John Ferrabee, of Thrupp Mill, in Gloucester, for certain improvements in machinery for dressing woollen and other cloths or fabrics requiring such a process.

Henry Bessemer, of City-terrace, City-road, engineer, for certain improvements in machinery or apparatus for casting printing types, spaces, and quadrats, and the means of breaking off and counting the same.

William Hale, of Greenwich, engineer, for improvements in steam-engines, and apparatus connected therewith, and in machinery for propelling vessels.

Morton William Lawrence, of Leman-street, Goodman's-fields, sugar-refiner, for certain improvements in the process of concentrating certain

vegetable juices and saccharine solutions.

John Seaward, of the Canal Iron-works, Poplar, engineer, for his invention of an improvement or improvements in steam-engines.

Claude Schroth, of Sabloniere-hotel, Leicester-square, gent., for certain improvements in preparing, pressing, and embossing the surface of leather, being a communication from a foreigner residing abroad.

Thomas Evans, of the Dowlais Iron Works, Glamorgan, for an improved rail for railway purposes, together with the mode of manufacturing and fastening down the same.

Abraham Larker, of Gower-street, Bedford-square, surveyor, and Oliver Byrne, of the same place, professor of mathematics, for a new instrument for guaging malt, and also for guaging the fluid or solid contents of casks and other vessels.

William Dale, of Marsh-street, Stafford, turner, for certain improvements in constructing columns, pillars, bed-posts, and other such like articles.

Thomas Joyce, of Camberwell, New-road, gardener, for certain improved modes of, and apparatus for applying prepared fuel to various culinary and domestic purposes.

William Horsefield, of Swillington Mills, near Leeds, corn-miller, for certain improvements in the construction of mills for grinding corn.

Louis Joseph Amant Ramel, Lisle-street, Leicester-square, gent., for improvements in machinery for excavating and embanking earth for the construction of railways and other works.

Robert Lucas Chance, of the Glass Works, Smethwich, Stafford, for improvements in the manufacture of glass, being a communication from a foreigner residing abroad.

Duchemin Victor, of Gracechurch-street, gent., for improvements in rotary engines, to be worked by steam or other aeriform fluids, being a communication from a foreigner residing abroad.

James Hill, of Haley-bridge, Ches-

ter, cotton-spinner, for a certain apparatus applicable to machinery used in the preparation of cotton and other fibrous materials for the purpose of spinning.

James Lowe, of King-street, Old Kent-road, mechanic, for improvements in propelling vessels.

Michael Wheelright Ivison, of Hailes-street, Edinburgh, silk-spinner, for an improved method of preparing and spinning silk, waste wool, flax and other fibrous substances, and for discharging the gum from silks, raw and manufactured.

Julius Oliver, of Queen-street, Golden-square, gent., for a certain improvement in the filters employed in sugar refining.

Auguste Coulon, of Token-house-yard, London, merchant, for improvements applicable to block-printing, being partly a communication from a foreigner residing abroad.

Thomas Oram, of 27, East-street, Red Lion-square, gent., for improvements in the manufacture of fuel.

Charles Hullmandel, of Great Marlborough-street, Westminster, Lithographic printer, for a new mode of preparing certain surfaces for being corroded with acids, in order to produce patterns and designs for the purpose of certain kinds of printing and transparencies.

Charles William Grant, captain, Bombay engineers, St. Alban's-place, Westminster, for certain improved modes of exhibiting signals for the purpose of communicating intelligence, either at sea or on shore.

Julius Jeffreys, of Kensington, esq., for improvements in stoves, grates, and furnaces.

John Clark, of Mile-end, Glasgow, cotton-spinner, for improved machinery for turning, some part or parts of which may be made applicable to other useful purposes.

William Angus Robertson, of Peterborough-court, Fleet-street, London, patent agent, for certain improvements in the manufacture of hosiery, shawls, carpets, rugs, blankets, and other fabrics, being a communication from a foreigner residing abroad.

George Barnet, of 49, Jewin-street, London, tailor, for an improved button, for protecting the thread or shank from friction or wear.

Joseph Rock Cooper, of Birmingham, gun-maker, for improvements in fire-arms.

Thomas Watson, of Addle-hill, Doctor's Commons, mechanic, for improvements in stoves.

David Redmund, of Wellington Foundry, Charles-street, City-road, engineer, for certain improvements in the construction and apparatus of steam-boats or vessels, used for war or commercial purposes.

Edward Cobbold, of Long Metford, Suffolk, and Peter Richold the younger, of the same place, coachmaker, for improvements in the manufacture of certain pigments or paints, or such like substances.

William Fothergill Cooke, of Breed's place, Hastings, esq., for improvements in giving signals and sounding alarms at distant places, by means of elastic currents transmitted through metallic circuits.

William Barnett, of Brighton, iron founder, for certain improvements in the production of motive power.

Thomas Murray Gladstone, of Bootle-cum-linacre, near Liverpool, chain cable and anchor manufacturer, for certain improvements in ships' windlasses, which improvements are applicable to other purposes.

Edward Cooper, of Haverton Wilts, clothier, for an improvement in the making or manufacturing of soap.

James Timmins Chance, of Birmingham, glass manufacturer, for improvements in the manufacture of glass.

James Macnee, coachmaker, George street, Edinburgh, for an improvement or improvements in carriages.

Moses Poole, of Lincoln's Inn, Middlesex, gent., for improvements in manufacturing of carpets, rugs, and other napped fabrics, being a communication from abroad.

Christopher Nickels, of York-road Lambeth, manufacturer, for improvements in machinery for recovering

fibres, applicable to the manufacture of braid and other fabrics.

Robert Finlayson, of Regent-street, Cheltenham, Gloucester, M.D., for improvements in harrows.

Francis Pope, of Wolverhampton, Stafford, fancy iron worker, for certain improvements in machinery for making or manufacturing pins, bolts, nails, and rivets, applicable to various useful purposes.

Thomas Vaux, of Woodford-bridge, Essex, land surveyor, for improvements in tilling and fertilizing land.

Samuel Wagstaff Smith, of Leamington Priors, Warwick, iron founder, for improvements in regulating the heat of furnaces for smelting iron, which improvements may also be applicable to retorts for generating gas.

Alexandre Happey, of Basing-lane, London, gent., for a new composition applicable to paving roads, streets, terraces, and other places, which improvements are also applicable to the different purposes of building, and also in the apparatus for making the said composition, being a communication from a foreigner residing abroad.

Richard Goodwin, of St. Paul's-terrace, Camden-town, coal merchant, for an improved prepared fuel.

John Paterson Reid, power loom manufacturer, Glasgow, and Thomas Johnson, mechanic, of the same place, for certain improvements in preparing yarn or thread by machinery, suitable for warps in preparation for weaving in looms.

Joseph Jepson Oddy Taylor, of Gracechurch-street, machinist, for an improved mode of propelling ships and other vessels on water.

Miles Berry, of Chancery-lane, for a new and improved method, or process of alloying metals by cementation, particularly applicable to the preservation of copper, wrought or cast iron, and metals, and thereby operating a change in the appearance of their surface, and giving them more brilliancy, being a communication from a foreigner residing abroad.

John Ball, of Finsbury Circus, merchant, for improvements in carriages, being a communication from a foreigner residing abroad.

Edward Cobbold, M.A., of Long Melford, Somerset, for certain improvements in the manufacture of gas for affording light and heat, and in the application of certain products thereof to useful purposes.

Edmund Shaw, of Fenchurch-street, stationer, for improvements in the manufacture of paper and paper boards, being a communication from a foreigner residing abroad.

Thomas Joyce, of Camberwell New Road, gardener, for certain improved modes of applying prepared fuel, to the purposes of generating steam and evaporating fluids.

Pierre Armand Lecomte de Fontainemoreau, of Charles-street, City Road, for an improved method of preventing the oxydation of metals, being a communication from a foreigner residing abroad.

William Gossage, of Stoke Prior, Worcester, manufacturing chemist, for certain improvements in manufacturing sulphuric acid.

William Henry James, late of Birmingham, and now of London, Civil Engineer, for certain improvements in machines or apparatus for weighing substances or fluids, and for certain additions thereto, applicable to other purposes.

William Crofts, of Radford, machine maker, for improvements in the manufacture of lace.

Miles Berry, of Chancery-lane, for a new or improved method of applying certain textile and exotic plants, as substitutes in various cases for flax, hemp, cotton, and silk, being a communication from a foreigner residing abroad.

Jean Francois Isidore Caplin, of Portland-street, artist, for improvements in stays or corsets, and other parts of the dress, where lacing is employed, and in instruments for measuring for corsets or stays, and for the bodies of dresses.

Alexandre Happey, of Basing-lane,

London, gent., for a new and improved method of extracting tar and bitumen from all matters which contain those substances, or either of them, being a communication from a foreigner residing abroad.

Thomas Mellodew, of Wallshaw Cottage, near Oldham, Lancaster, mechanic, for certain improvements in looms for weaving various kinds of cloth.

James Vincent Desgrand, of Size-lane, London, merchant, for a certain new pulpy product, or material, to be used in manufacturing paper and paste board, prepared from certain substances not hitherto used for such purposes, being a communication from a foreigner residing abroad.

Francis Thorpe, of Knaresborough, in the county of York, flax spinner, for certain improvements in machinery or apparatus for heckling, preparing, or dressing hemp, flax, and other such like fibrous materials.

David Stead, of Great Winchester-street, London, merchant, for an invention for making or paving public streets and highways, and public and private roads, courts and bridges, with timber or wooden blocks, being a communication from a foreigner residing abroad.

Samuel Seaward, of the Canal Iron Works, Poplar, for certain improvements in steam engines.

Augustus Applegarth, of Crayford, calico printer, for improvements in apparatus for block-printing.

Henry Adcock, of Liverpool, for improvements in raising water from mines and other deep places, or from a lower level to a higher, which improvements are applicable to raising liquids generally, and to other purposes.

John Ratcliff, of Birmingham, lamp manufacturer, for improvements in Lamps.

Robert Martineau, of Birmingham, and Brook Smith of the same place, both in the county of Warwick, cock founders, for improvements in cocks for drawing off liquids.

John Radcliffe, of Stockport, Ches-

ter, machine agent, for a new method of removing the fly droppings, waste and other matters, which, being separated from the material falls below the cylinders and beaters, in the respective processes of carding, wil-  
lowing, devilling, batting, blowing, scutching, opening, or mixing of cotton-wool, silk, flax, wool, or any other fibrous material or substances.

Charles Searle, of Fitzroy-street, London, for a new description of aerated water, or waters, and which method of aerating is applicable also to other fluids.

Thomas Ridgway Bridson, of Great Bolton, Lancaster, bleacher, and William Latham, of Little Bolton, machine maker, for improvements in machinery or apparatus for stretching, drying, and finishing woven fabrics.

Stephen Geary, of Hamilton-place, New-road, Middlesex, architect, for improvements in the preparation of fuel.

Thomas Ridgway Bridson, of Great Bolton, Lancaster, bleacher, for certain improvements in the construction and arrangement of machinery or apparatus for stretching, mangling, drying, and finishing woven goods or fabrics, and part or parts of which improvements are applicable to other useful purposes.

Miles Berry, of 66 Chancery-lane, for certain improvements in the means of economizing heat and fuel in furnaces or closed fire-places, being a communication from a foreigner residing abroad.

Joshua Wordsworth of Leeds, machine maker, for certain improvements in machinery for heckling and dressing flax, hemp, and other fibrous materials.

Peter Walker, of Liverpool, brewer, for an improved apparatus to be used in cleansing beer, or other fermented liquors.

Luke Hebert, of Camden-town, C. E., for a new and improved method or methods of uniting or soldering metallic substances.

George Nussey, of Leeds, dyer, for a new vegetable preparation, appli-

cable to dyeing blues and other colours.

William Rattray, of Aberdeen, North Britain, manufacturing chemist, for certain improvements in the manufacture of the preparations called gelatine, size and glue.

Edouard Francois Joseph Duclos, late of Samson, Belgium, but now of Church, Lancaster, gent., for improvements in the manufacture of zinc, copper, tin, and antimony.

William Needham, of Manchester, gent., for an improved machine called the silkworm, for the purpose of spinning, twisting, and doubling silk.

Nicholas Raper, of Greek-street, Soho, Middlesex, gent., for improvements in rendering fabrics and leather water-proof.

Thomas Walker, of Birmingham, clock-maker, for improvements in steam-engines.

James Hardy, of Wednesbury, Stafford, iron master, for certain improvements in rolling, making or manufacturing shafts, rails, fire-irons and various other heavy articles of metal and machinery, or apparatus used in the same.

Joseph Green, of Raneleigh-grove, Chelsea, Middlesex, gent., for an improvement on ovens.

Francis Sleddon, of Preston, Lancaster, machine maker, for certain improvements in the machinery or apparatus for spinning and doubling cotton, silk, flax, wool, and other fibrous substances.

David Cheetham, junior, of Hollins Mill, Staley-bridge, Chester, cotton-spinner, for certain improvements in the machinery applicable to the preparation of cotton, and other fibrous substances for the purpose of spinning.

Thomas Beck, of Little Stonham, Suffolk, gent., for new or improved apparatus or mechanism, for obtaining power and motion, to be used as a mechanical agent generally, which he intends to denominate Rotæ Vivæ.

Samuel Parlour, of Croydon, Surrey, gent., for improvements in paddle-wheels, and in communicating rotary motion from steam or other



water and other liquids, being a communication from a foreigner residing abroad.

Richard Goodridge, of No. 7, Bell's - buildings, Salisbury - square, London, purser, R.N., for a new or improved apparatus for lifting or raising fluids on water or on land, and for marine propelling purposes, without steam.

John White, of the New-road, Mary-le-bone, Middlesex, architect, for certain improvements in the construction of railroads, bridges, and viaducts.

William Gossage, of Stoke Prior, Worcester, manufacturing chemist, for certain improvements in manufacturing iron.

William Garnett, of Haslington, Lancaster, dyer, for certain improvements in machinery for spinning and doubling wool, flax, cotton, silk, and other fibrous materials; being a communication from a foreigner residing abroad.

William Edward Newton, of Chancery-lane, Middlesex, mechanical draftsman, for improvements in diving apparatus; being a communication from a foreigner residing abroad.

John William Fraser, of Arundel-street, Strand, Middlesex, for improvements in raising or floating sunken and stranded vessels and other bodies.

Eliezer Chater Wilson, of Skinner-street, Snow-hill, London, printer, for improvements in evaporation; being a communication from a foreigner abroad.

Thomas Joyce, of Camberwell New-road, Surrey, gardener, for certain improvements in the mode of erecting heating and ventilating buildings.

Peter Fairbairn, of Leeds, machine maker, for certain improvements in looms for weaving ribbons, tapes, and other fabrics; being a communication from a foreigner residing abroad.

Peter Fairbairn, of Leeds, machine maker, for certain improvements in the machinery or apparatus for rove-

ing, spinning, doubling, and twisting cotton, flax, wool, silk, or other fibrous substances.

Robert Sandiford, of Tottington, Lower End, Lancaster, block printer, for certain improvements in the art of block printing, and in certain arrangements connected therewith.

John Nathaniel Larkin, of Wellington-street, Pentonville, Middlesex, gent., for improvements in machinery for cutting corks and bungs.

George Holworthy Palmer, of New-cross, Deptford, civil engineer, for certain improvements in steam generators and engines applicable to locomotive and stationary uses, and in the carriages to be used therewith and otherwise.

Thomas Dowling, of Chapel-place, Oxford-street, Middlesex, gent., for improvements in preparing metals for the prevention of oxidation.

Nathan Defries, of Paddington-street, engineer, for the improvements in gas meters.

John Perry, of Leicester, Woolcomber, for certain improvements in combs for combing wool.

Charles Green, of Birmingham, gold plater, for improvements in the manufacture of brass and copper tubing.

Daniel Beckham, of No. 22, Sussex-place, Old Kent-road, Surrey, stereotype founder, for an improved mode of obtaining castings in gold, silver, and alabaster.

James Robinson, of Huddersfield, merchant, for an improved method of producing, by dying, various figures or objects of various colours in woollen, worsted, cotton, silk, and other cloths.

Edward White Benson, of Birmingham, chemist, for certain improvements in the manufacture of carbonate of lead.

Richard Badnall, of Cotton-hall, Stafford, gent., for a certain improvement in the manufacture of carpets, and other similar woven fabrics, which improvements is effected by the introduction of a certain article of commerce not hitherto so employed or used in such manufactures.

George Round, of Birmingham, lock filer; and Samuel Whitford, of the same place, die sinker, for a new and improved method of manufacturing certain of the parts of gun and poistl locks.

Henry Grey Dyar, of Cavendish-square, gent., and John Hemming, of Edward-street, Cavendish-square, gent., Middlesex, for improvements in the manufacture of carbonate of soda.

Augustus William Johnson, of Upper Stamford-street, Lambeth, for certain improvements for preventing the incrustation of steam-boilers or generators, or evaporating vessels.

Matthew Uzielli, of Fenchurch-street, London, merchant, for improvements in locks or fastenings, being a communication from a foreigner residing abroad.

William Dobbs, of the Pen-road, Wolverhampton, brass founder, for certain improvements in the construction of racks and pulleys for window blinds and other useful purposes.

George Carter, of Lombard-street, London, gent., for improvements in saw-mills.

Joseph Needham Taylor, of Red Lion-square, Bloomsbury, captain, R.N., for a certain method or certain methods of abating or lessening the mischiefs arising from the shock or force of the waves of the ocean, lakes, or rivers, and of reducing them to the comparatively harmless state known by the term "broken water," and thereby preventing the injury done to, and increasing the durability of break-waters, mole heads, piers, fortifications, lights, houses, docks, wharfs, landing-places, embankments, bridges, or ponton bridges; and also of adding to the security and defence of harbours, roadsteads, anchorages, and other places exposed to the violent action of the waves.

Edward Davy, of Fleet-street, London, chemist, for improvements in apparatus for making telegraphic communications or signals by means of electric currents, parts of such apparatus being applicable to ob-

taining, regulating, or measuring electric currents for other purposes.

Frederick Joseph Burnett, of St. Mary-at-Hill, London, ship insurance agent, and Hippolyte François, Marquess de Bouffet Montauban, colonel of cavalry, now residing in Sloane-street, Chelsea, Middlesex, for certain improvements in the manufacture of soap.

Henry Elkington, of Northfield, Worcester, gent., for certain improvements in engines to be worked by steam, air, or other fluids.

Cornelian Alfred Jaquin, of Huggin-lane, Wood-street, London, for improvements in the manufacture of buttons.

William Knight, of Chichester, ironmonger, for improvements in machinery for raising and forcing water and other fluids.

George Salter, of West Bromwich, manufacturer, for improvements in apparatus for weighing.

Claude Schroth, of Leicester-square, gent., for an improved method or methods of making or manufacturing the tools or apparatus employed in the process of pressing, or embossing the surface of leather or other substances; being a communication from a foreigner residing abroad.

William Palmer, of Sutton-street, Clerkenwell, manufacturer, for improvements in lamps.

William Barnet, of Brighton, iron-founder, for certain improvements in the manufacture of iron.

John Thomas Betts, of Smithfield Bars, rectifier, for improvements in process of preparing spirituous liquors in the making of brandy.

Louis Cyprien Callet, late of New York, but now residing in Manchester, for certain improvements in machinery, or apparatus for producing motive power applicable to propelling boats and other vessels, carriages, machines, and other useful purposes, being a communication from a foreigner residing abroad.

Henry Van Wart, of Birmingham, merchant, and Samuel Aspinwell Goddard, of the same place, merchant, for certain improvements in

machinery, or apparatus applicable to locomotion on rail-roads, and to steam navigation, parts of which improvements are also applicable to land or stationery engines.

John Bethell, of Mecklenburg-square, gent., for improvements in rendering wood, cork, leather, woven and felled fabrics, ropes and cordage, stone and plasters, or compositions either more durable, less pervious to water, or less inflammable, as may be required for various useful purposes.

Job Cutler, of Lady Poole-lane, Sparbrook, Birmingham, and Thomas Gregory Hancock, mechanist, of Prince's-street, Birmingham, for an improved method of condensing the steam in steam-engines, and supplying their boilers with water thereby formed.

Joseph Bennett, [of Tumley, near Glossop, Derby, cotton-spinner, for certain improvements in machinery for carding wool, cotton, flax, and other fibrous substances, which are, or may be carded, part of which improvements are also applicable to machinery for drawing, doubling, and roving, and spinning such fibrous substances as are, or may be subjected to those operations.

James Milne, of Edinburgh, gas-meter manufacturer, for improvements in apparatus employed in transmitting gas, for the purpose of light and heat.

Alexander Cochrane, of Arundel-street, Strand, Middlesex, gent., for improvements in umbrellas and parasols.

Thomas Robert Sewell, of Carrington, Nottingham, lace manufacturer, for improvements in manufacturing white lead.

Richard March Hoe, late of New York, but now of 66, Chancery-lane, civil-engineer, for a new or improved instrument or apparatus for ascertaining or determining the latitude and longitude of any place, or the situation of ships or other vessels at sea, and the dip and variation of the magnetic needle, which new or improved instrument he intends to de-

nominate "Sherwood's Magnetic Geometer," being a communication from a foreigner residing abroad.

Henry Ross, of Leicester, worsted manufacturer, for improvements in machinery for combing and drawing wool and certain descriptions of hair.

Henry Bridge Cowell, of Lower-street, Islington, ironmonger, for an improved apparatus answering the purpose of a press, for retaining and keeping leaves or pieces of paper, or of cloth, or of other thin substances, folded or unfolded in a flattened condition, under gentle pressure.

John Robertson, of Great Charlotte-street, Buckingham-gate, for improvements of architecture, in its forms and combinations, and also in the superficial figures which may be employed; also for an improvement or improvements in the surfaces of buildings.

Richard Treffrey, of Manchester, chemist, for certain improvements in the method of preserving certain animal and vegetable substances from decay, and also in the apparatus for and mode of impregnating substances to be preserved.

George Richards Elkington, and Oglethorpe Wakelin Barratt, of Birmingham, manufacturers, for improvements in coating and colouring certain metals.

Joseph Price, of Gateshead, Durham, flint glass manufacturer, for certain improvements in constructing and adapting boilers for marine, stationary, and locomotive engines, and in adapting and applying boilers to steam-vessels.

Charles Wye Williams, of Liverpool, gentleman, for certain improvements in the means of preparing the vegetable material of peat, moss, or bog, so as to render it applicable to several useful purposes, and particularly for fuel.

John Gray of Liverpool, engineer, for certain improvements in steam-engines and apparatus connected therewith which improvements are particularly applicable to marine engines for propelling boats or vessels, and part or parts of which improvements.

are also applicable to locomotive or stationary steam-engines, and other purposes.

William Madely, of Manchester, machinist, for certain additions to, and improvements in, machinery, used for spinning and forming into cops upon spindles, cotton, and other fibrous materials of the like nature.

Sir William Burnett, knight, of Somerset-house, for improvements in preserving wood and other vegetable matters from decay.

Alexander Croll, of Greenwich, manufacturing chemist, for improvements in the manufacture of gas, for the purpose of affording light.

Frederic Edouard Fraissinet, of Covent Garden-square, Westminster, for certain improvements in the machinery for propelling vessels by steam, by which their speed will be much accelerated with a diminished power and with a diminished action in the water, being a communication from a foreigner residing abroad.

Wilton Wood, of Liverpool, for an improved method of making bands and tackling to be used in drawing, turning, or carrying machinery.

George Holworthy Palmer, of New cross, Surrey, civil-engineer, and George Bertie Paterson, of Hoxton, engineer, for certain improvements in the mode of preparing, constructing, and adapting certain parts of gas-meters.

Andrew Paul, of Doughty-street, Saint Pancras, surgeon, A. B. and M. B., for an improved hydraulic pump, douche or jet obœan, applicable to all the purposes of lavement in medical operations.

Robert Hendley, of Belgrave-street, St. Pancras, doctor of medicine, for a metallic concrete capable of being, by means of fire, cast into a variety of forms, and applied to a variety of purposes for which iron, lead, zinc, copper, and other substances have been heretofore used.

Samuel Hall, of Basford, civil-engineer, for improvements in steam-engines, heating or evaporating fluids or gases, and generating steam or vapour.

Joseph Rayner and Joseph Whitehead Rayner, of Birmingham, civil-engineers, and Henry Samuel Rayner, of Ripley, civil engineer, for improvements of machinery for roving, spinning, and twisting cotton, flax, silk, wool, and other fibrous materials.

Edward Heard, of Bateman's-buildings, Soho-square, manufacturing chemist, for certain improvements in oxydizing lead, and converting the same into pigments, or white and red lead, and manufacturing part of the products arising from these processes into soda.

George Marquess of Tweeddale, for an improved method of making tiles for draining soles, house tiles, flat roofing tiles, and bricks; to extend to the colonies only.

Edwin Whele, of Walsall, Stafford, tallow chandler, for an improvement or improvements in the manufacture of candles.

John Dennett, of New Village, in the Isle of Wight, engineer, for improvements in war rockets, and in the methods and apparatus for applying the powers of rockets for the purpose of obtaining communication with vessels which are stranded or in other situations of danger: also an improved instrument and method for accurately pointing mortars for throwing shells, which may likewise be used for firing shot from mortars for the purpose of obtaining communication with ships.

Samuel Sanderson Hall, of the Circus, Minories, for improvements in preserving certain vegetable substances from decay; being a communication from a foreigner residing abroad.

Thomas Lund, of Cornhill, in the City of London, cutler, for improvements in extracting corks from wine and other bottles, with steadiness, facility, and safety.

Charles Bourjot, of Coleman-street, City, merchant, for improvements in the manufacture of iron.

Robert William Sievier, of Henrietta-street, Cavendish-square, gent., for certain improvements in looms

for weaving, and in the mode or method of producing figured goods or fabrics.

Pierre Armand Le comte de Fontainemoreau, of Charles-street, City-road, for certain improvements in wool combing, being a communication from a foreigner residing abroad.

Richard Rodda, of Saint Austle, Cornwall, assay master, for certain improvements in furnaces, fire-places and stoves, for the consumption of smoke and the saving of fuel, and in the mode of applying them to the generation of steam, the smelting of metals, and other works.

Eugene de Beuret, of Moorgate-street, City, for certain improvements in the construction of rail-roads and tram-roads to facilitate the ascent and descent of hills and inclined plains, being a communication from a foreigner residing abroad.

Matthew Heath, of Furnival's-inn, London, gentleman, for improvements in preparing tobacco, and in making snuff; being a communication from a foreigner residing abroad.

Thomas Corbett, of Plymouth, for certain improvements in heating hot-houses and other buildings.

David Cheetham, jun., of Staley-bridge, Chester, spinner, for certain improvements in the means of consuming smoke, and thereby economising fuel and heat in steam-engine or other furnaces or fire-places.

Charles Wye Williams, of Liverpool, gent. for certain improvements in the process or the mode of purifying or preparing turpentine, rosin, pitch, tar, and other bituminous matters, whereby he increases their power of giving out light and heat either when distilled or burnt as fuel.

William Henry Porter, of Russiarrow, Cheapside, warehouseman, for improvements in anchors.

Ramsay Richard Reinagle, of George-street, London University, Royal Academician, and the Chevalier George Robert D'Harcourt, of King William-street, City, civil engineer, for certain improvements in the means of propelling canal boats, steamers, and other vessels.

George Robert D'Harcourt, of King William-street, City, civil engineer, for improvements in the manufacture of paper; being a communication from a foreigner residing abroad.

Charles Fox, of Gloucester-place, Camden-town, engineer, for an improved arrangement of rails for the purpose of causing a railroad engine, carriage, or train, to pass from one line of rails to another.

Matthew Warton Johnson, of Buckingham-place, Middlesex, sculptor and stone-mason, for improvements in the construction of coffins.

William Wainwright Potts, of Burslem, Stafford, china and earthenware manufacturer, for certain improvements in machines, applicable to the printing or producing patterns in one or more colours, or metallic preparations to be transferred to earthenware, porcelain, china, glass, metal, wood, cloth, paper, *papier machie*, bone, slate, marble, and other suitable substances.

Samuel Stocker, of Bristol, machinist, for improvements in chimneys for dwelling-houses, and in apparatus for scraping, sweeping, or cleaning chimneys, and in the manufacture of such apparatus, and of the materials of which such chimneys are formed.

Richard Bradley, William Barrows, and Joseph Hall, of Bloomfield iron works, Stafford, iron masters and co-partners, for an improved method or means of making iron.

Nicholas Troughton, of Broad-street, City, gent., for improvements in the process of obtaining copper from copper ores.

Jean Leandre Clement, of Rochfort, in the kingdom of France, but now of Jaunay's Hotel, Leicester-square, gent. for improvements for ascertaining, and indicating the rate of vessels passing through the water.

Pierre Armand Lecomte de Fontainemoreau, of Charles-street, City-road, gent., for certain new and improved metallic alloys, to be used in various cases as substitutes for zinc, cast-iron, copper, and other metals.

George Dickinson, of Wood-street, Cheapside, paper manufacturer, for



an improvement or improvements upon steam engines.

Arthur Dunn, of Stamford-hill, gent., for certain improvements in the manufacture of soap.

John Coope Haddan, of Bazing-place, Waterloo-road, gent., for certain improvements in the construction of carriages to be used on railways, and in the method of forming the same into trains.

Lawrence Heyworth, of Yewtree, near Liverpool, Lancaster, merchant, for a new method of applying steam power directly to the periphery of the movement-wheel, for the purposes of locomotion, both on land and water, and for propelling machinery.

Miles Berry, of Chancery-lane, for certain improvements in looms for producing metallic tissues, and also improvements in such tissues, applicable to the making of buttons, epauletts, tassels, and other purposes, for which gold and silver lace or braiding is commonly employed, and to the making of imitation of jewellery and other fancy articles; being a communication from a foreigner residing abroad.

William Dolier, of Liverpool, lecturer on education, for a certain durable surface or tablet for the purposes of receiving writings, drawings, or impressions of engravings or other devices, capable of being printed, which surface may be applied for roads or pavements, and part of which invention may also be used as the means of strengthening or beautifying glass.

Joseph Davies, of Nelson-square, gentleman, for a composition for protecting wood from flame.

John Grafton, of Cambridge, C. E., for certain improvements in the construction of retorts and other machinery for making gas from coal and other substances.

Henry Knill of Eldon-place, Bermondsey, for improvements in cleansing the bottoms of docks, rivers, and other waters.

John Earle Huxley, of Great Marlborough-street, John Earle, Huxley, jun. of the same place, and John

Oliver, of Dean-street, Soho, stove-makers, for improvements in certain descriptions of stoves.

Joseph Curtis, of Stamford-street, Blackfriars-road, C. E., for certain improved machinery and apparatus for facilitating travelling and transport on railways, parts of which are also applicable to other purposes.

John Keys, of Sutton, copper smelter, and William Thompson Clough, of Eccleston, Lancaster, for a method or process for the manufacture of sulphuric acid from copper ore, copper regulus, and sulphuret of zinc.

Morton Balmanno, of Queen-street, Cheapside, merchant, for a new and improved method of making and manufacturing paper, paste-board, felt, and tissues.

John Frederick Bourne, of Manchester, engineer, and John Bartley, jun., of the same place, engineer, for certain improvements in the construction of wheels to be used upon railways and other roads, and which improvements are also applicable to the construction of wheels in general.

Miles Berry, of 66, Chancery-lane, mechanical draftsman, for certain improvements applicable to certain parts of the process generally used for the manufacturing and refining sugars; a communication from a foreigner.

Timothy Burstall, of Leith, engineer, for certain improvements in the steam-engine, and in apparatus to be used therewith or with any other construction of the steam-engine, or other motive power, for the more smooth and easy conveyance of goods and passengers on land and water, part of which will be applicable to water power.

Henry Gibbs, of Birmingham, button manufacturer, for an improved perforated button.

Joseph Browne, of the Minorics, upholsterer, for improvements in beds, sofas, chairs, and other articles of furniture, to render them more suitable for travelling and other purposes.



James Ulric Vaucher, of Geneva, in Switzerland, but now of Manchester, gent., for certain improvements in fire-engines, watering engines, and other hydraulic machines and apparatus for raising or propelling water and other fluids; some of which improvements are also applicable to steam-engines.

Henry Dunnington, of Nottingham, lace manufacturer, for improvements on machinery employed in making frame-work, knitting or stocking fabrics.

Alexander Southwood Stocker, and Clement Healey, manufacturers, of Birmingham, for improvements in straps for wearing apparel.

Ambrose Ador, of Leicester-square, for certain improvements on lamps or apparatus for producing or affording light.

Joseph Hall, of Over, Chester, plumber, for improvements in the manufacture of salt.

John Chanter, of Earl-street, Blackfriars, esq., and John Grantham, of Liverpool, engineer, for improvements in furnaces for steam-boilers.

Edwin Bottomley, South Crossland, York, clothier, for a certain improvement or improvements applicable to power and hand-loom.

Edward Massey, of King-street, Clerkenwell, watchmaker, for improvements in watches and machines for keeping time.

Thomas Swinburne, of South-square, Gray's Inn, esq., for certain improvements in water closets and and other conveniences of the kind.

James Wapshare, of Bath, gent., for certain improvements in the application of heat for the purpose of drying wool, woollen yarns, wool-cloths, and other articles, and other improvements connected with the use of the press, in the process of dressing or finishing woollen cloths.

Thomas Wilkinson, of the Quadrant, Regent-street, ironmonger and engineer, for certain improvements in the construction of tram or railways, and in the carriages to be used thereon.

Archibald M'Lellan, of Glasgow,

coach builder, for certain improvements upon the springs and braces of wheel carriages, and upon the mode of hanging such carriages.

Frederick Le Mesurier, of New-street, Saint Peter's Port, Guernsey, gent., for a certain improvement or certain improvements in the construction of pumps for raising water or other fluids.

Sir Hugh Pigot, of Foley-place, kn't, for a certain engine or engines useful as steam-engines, pumps, or propellers of vessels or machinery.

William Day, of Gate-street, Lincoln's-Inn-Fields, lithographer, for an improved mode or method of applying and combining timber and other materials used in the construction of ships or vessels, masts, yards, beams, piers, bridges, and various other purposes.

James Nasmyth, of Patricroft, near Manchester, engineer, for certain improvements in machinery, tools, or apparatus for cutting or planing metals and other substances, and in securing or fastening the keys or collars used in such machinery, and other machinery, where keys or collars are commonly applied.

Robert William Siever, of Henrietta-street, Cavendish-square, gent., for certain improvements in rigger pulley bands for driving machinery, and ropes and lines for other purposes.

John Thomas Betts, of Smithfield Bars, rectifier, for improvements in the manufacture of gin, which he intends to denominate Bett's patent gin, or Betts' patent stomach gin.

James Walton, of Sowerby-bridge, Halifax, cloth dresser and frizer, for certain improvements in machinery for making wire cards for carding cotton, wool, silk, tow, and other fibrous substances of the like nature.

Emile Alexis Fanquet Delarue, of Bacon's-hotel, St. Paul's Churchyard, calico printer, for certain improvements in providing and fixing red and other colours, in which red forms a constituent part, upon

cotton, silk, woollen, and other fabrics.

John Hughes Rees, of Penymaes, Carnarthen, esq., for certain improvements in machinery applicable to raising water for propelling boats, carriages and other machinery.

John Joseph Charles Sheridan of Ironmonger-lane, chemist, for an improvement in the manufacture of soap.

Edmond Heuze, of Fenton's Hotel, St. James's-street, merchant, for improvements in the manufacture of dextrine.

John White, of Haddington, North Britain, ironmonger, for certain improvements in the construction of ovens and heated air-stoves.

John Bourne, of Dublin, engineer, for certain improvements in steam-engines, and in the construction of boilers, furnaces, and stoves.

Jehiel Forbes Norton, of Manchester, merchant, for certain improvements in stoves or furnaces, and in instruments or apparatus for making the same.

Henry Dunington, of Nottingham, lace manufacturer, for improvements in warp machinery, and in fabrics produced by warp machinery.

George Haden, of Trowbridge, Wilts, engineer, for improvements in the manufacture of a soap or composition applicable to the felting and other purposes employed in the manufacture of woollen cloth, and other purposes to which soap is usually employed.

Charles Sanderson, of Sheffield, steel manufacturer, for a certain improvement, in the art or process of smelting iron ores.

Matthew Heath, of Furnival's Inn, London, esq., for improvements in clarifying and filtering water, beer, wine, and other liquids.

John Woolrich, of Birmingham, professor of chemistry, for an improved process for manufacturing

carbonate of lead, commonly called white lead.

John Fowler, of Birmingham, gent., for certain improvements in preparing or manufacturing sulphuric acid.

William Brockedon, of Queen-square, Middlesex, esq., for a combination of known materials, forming a substitute for corks and bungs.

Henry Meyer, of Piccadilly, wax-chandler and oil merchant, for improvements in the manufacture of lamps.

Elias Robinson Handcock, of Dublin, for improvements in castors for furniture and other purposes.

George Harrison, of Carlton-house-terrace, Middlesex, surveyor, for improvements for supplying air for promoting and supporting the combustion of fire in close stoves and furnaces, and for economising fuel therein.

William Edward Newton, of 66, Chancery-lane, Middlesex, for improvements in the construction of bridges, viaducts, piers, roofs, truss-girders, and stays for architectural purposes.

John George Bodmer, of Manchester, in the county of Lancaster, engineer, for his invention of certain improvements in the machinery or apparatus for carding, drawing, roving, and spinning cotton, flax, wool, silk, and other fibrous substances.

William Jeakes, of Great Russell-street, Bloomsbury, for a mode of applying ventilating apparatus to stoves constructed on Dr. Arnott's principle.

William Edward Newton, of Chancery-lane, mechanical draftsman, for an improved method or methods of preparing certain substances for the preservation of wood and other materials used in the construction and fitting up of houses, ships, and other works, which improvements are also applicable to other useful purposes.

John Henfrey, of Weymouth-terrace, Shoreditch, engineer and

machinist, for certain improvements in the manufacture of hinges or joints, and in the machinery employed therein.

Paul Chappé, of Manchester, spinner, for certain improvements in the means of consuming smoke, and thereby economising fuel and heat in steam-engine and other furnaces and fire-places.

Luke Hebert, of Staples-Inn, for certain apparatus and process for storing, cleansing, and preserving grain.

Abraham Bury, Esq., of Manchester, for certain improvements in the mode of printing, colouring, or dying cotton and other fabrics, and in the mode of producing certain acid or acids applicable to these or other purposes.

Jacob Telton Slade, of Carburton-street, gent., for certain improvements in pumps for liquids or æriform fluids.

Joseph Fraser, of Halifax, railway contractor, for certain improvements in the apparatus or machinery to be employed as centerings or supporters in the construction of bridges and arches, and in tunnels and other mining operations.

Horace Cory, of Harrow-street, Limehouse, bachelor of medicine, for improvements in the manufacture of white lead.

Charles Callis, Baron Western, of Rivenhall, Essex, for an improvement in drills, for the purpose of drilling corn, grain, seeds, pulse, and manure.

William Morgan, of New-cross, Surrey, gent., for improvements in the generation of steam.

Adolphus Henri Erneste Ragon, of Great Portland-street, professor of literature, for improvements in the manufacture of glass, and in the production of other vitrified matters applicable to architectural purposes.

Edward Cooper, of Piccadilly, for improvements in the manufacture of paper, being a communication from a foreigner residing abroad.

Charles Flude, of Liverpool, chemist, for improvements in applying heat for generating steam, and for general manufacturing and other useful purposes, where heat is required; and also for an improved mode of supplying steam boilers with hot water, the said improvements having for their object the economy of steam.

Jerome Deville, of Crutchedfriars, coach-builder, for improvements in railroads, and in carriages used thereon.

James Bernington, of Charles-place, Shoreditch, veterinary surgeon of cavalry, for improvements in knapsacks.

William Henry James, late of Birmingham, but now of Lambeth, for improvements in apparatus for heating, generating, and cooling fluids, and in engines to be actuated by such fluids, parts of which improvements are applicable to the raising and forcing fluids.

Robert Beart, of Godmanchester, Huntingdon, miller, for improvements in apparatus for filtering liquids.

Luke Hebert, of Bristol-road, Birmingham, for a new or improved process or processes for embalming the dead, and for preserving corpses for anatomical purposes, being a communication from a foreigner residing abroad.

Moses Poole, of Lincoln's Inn, gent., for improvements in apparatus or machinery for obtaining rotatory motion, being a communication from a foreigner residing abroad.

John Jukes, of Shropshire, gent., for improvements in steam-engine boilers, and in apparatus for feeding furnaces and fire-places, and for the more effectual combustion of the smoke and gases arising therefrom.

Bryan, I. Anson, Bromwich, of Clifton-on-Teme, gent., for improvements in machinery to be worked by the application of the expansive force of air or other elastic fluids, to obtain motive power.

John Small, of Old Jewry, Lon.

don, merchant, for improvements in filtering liquids, being a communication from a foreigner residing abroad.

Henry Huntley Mohun, of Regent's-park, M.D., for improvements in the composition and manufacture of fuel, and in furnaces for the consumption of such and other kinds of fuel.

Thomas Mayos Woodyatt, of Cookly, screw manufacturer, and Samuel Harrison, of Birmingham, for improvements in the manufacture of wood screws.

John Browne, of Castle-street, Oxford-street, Esq., for improvements in paving roads and streets.

Felix Macartan, of St. Martin's-lane, gent., for improvements in treating the waste matters resulting from the washing of wool and woollen fabrics.

William Watson, jun., of Leeds, manufacturing chemist, for certain improvements in the manufacture of materials used in the dyeing of blue and other colours.

John Winrow, of Greenthorpe, Nottingham, mechanic, for certain improved means of, and apparatus for, destroying weeds and insects on land.

James Drew, of Manchester, for certain improvements in the means of consuming smoke, and economising fuel in steam-engine or other furnaces or fire-places.

Hugh Ford Bacon, of Fen Drayton, clerk, for an improvement or improvements in the construction of the glass holders and glass chimneys of gas-burners.

John Holmes, of St. John's-terrace, Worcester, engineer, for improvements in forming moulds for castings in metal studs, buttons, nails, tacks, and a variety of other articles.

George Smith, of the Navy Club House, Bond-street, captain in the royal navy, for certain improvements in vessels to be propelled by steam or other power, and in the construction and arrangement of the machinery for propelling.

Anne Bird Byerley, of 147, Strand, widow, and James Collier, of the same place, C.E., for certain improvements in obtaining motive power.

Sally Thompson, of North-place, Gray's-Inn road, for certain additions to locks or fastenings for doors of buildings, and of cabinets, and for drawers, chests, and other receptacles for the purpose of affording greater security against intrusion by means of keys improperly obtained.

Edward Samuell, of Liverpool, merchant, for improvements in the manufacture of soda.

Joseph Eden Macdowall, of 257, High-street, Borough, watchmaker, for an improvement in the manufacture of escapements for chronometers, clocks, and watches.

Thomas Trench Berney, of Morton Hall, Norfolk, Esq., for certain improvements in cartridges.

William Thorp, and Thomas Meaking, of Manchester, silk manufacturers, for certain improvements in looms for weaving, and also a new description of fabric, to be produced or woven therein.

William Watson, jun. of Leeds, manufacturing chemist, for certain improvements in the manufacture of liquid ammonia, by which the same may be made applicable to the purposes of dyeing, scouring, and other manufacturing processes.

Harrison Grey Dyar, of Mortimer-street, Cavendish-square, gent., for improvements in the manufacturing zinc.

John Wilson, of Liverpool, lecturer on chemistry, for certain improvements in the process of manufacturing alkali from common salt.

Fanquet Delarne, jun., late of Deville, near Rouen, France, but now of Manchester, calico-printer, for certain improvements in the process of printing, or otherwise applying and fixing the colouring matter of madder upon cotton, silk, linen, and other fabrics, without dyeing, and producing by these means permanent colours.

John George Bodmer, of Manchester, esq., for certain improvements in machinery, tools, and apparatus for cutting, planing, turning, drilling, and rolling metals and other substances.

Abraham Cohen, of Islington, esq., for certain improvements in the construction of railway carriages, and in the modes of connecting and retarding railway trains.

John Small, of Old Jewry, merchant, for improvements in the manufacture of thread, or yarn, and paper, by the application of certain fibrous materials not hitherto so employed.

Peter Taylor, of Birching Bower, Lancaster, rope-maker, and slate merchant, for improvements in machinery for propelling vessels, carriages, and machinery, parts of which improvements are applicable to raising of water.

Ambrose Bowden Johns, of Plymouth, artist, for improvements in colouring or painting walls, and other surfaces.

James Hartley, of Bishop Wearmouth, glass manufacturer, for improvements in the manufacture of glass.

Theodore Cotellet, of the Haymarket, civil engineer, for improvements in extracting the salt from sea or salt-water, and rendering it pure or drinkable, and in purifying other water.

John Player, the younger, of Longhorneur, Swansea, Glamorgan, for improvements in furnaces and fire-places, for consuming anthracite and other fuel for generating steam, evaporation, smelting and heating iron and other metals.

William Pontifex, of Shoe-lane, London, coppersmith, for improvements in apparatus and materials employed in filtering and clarifying waters and other liquids.

John M'Curday, of Tonbridge-place, New-road, esq., for an improved method or methods of generating steam, and applying the same

to the evaporation and boiling of fluids, which method or methods is, or are applicable to steam-engines, and other purposes, where steam is, or may be applied.

Stanislaus Darthez, of Austin Friars, London, merchant, for certain improvements in the construction and arrangement of axles, axle-trees, and the naves of wheels for carriages.

John Shaw, of Glossop, brass-worker, for certain improvements in the arrangement and construction of wind musical instruments.

Luke Hebert, of Camden Town, C. E., for an improved mode, or modes, of fastening-trowsers, and other parts of dress or apparel, being a communication from a foreigner.

Miles Berry, of Chancery-lane, for improvements in the means of, and apparatus for manufacturing gaseous liquids, and for filling bottles and other vessels used for holding the same, and retaining the contents therein, and emptying the same when required; being a communication from a foreigner.

James Carson, of Liverpool, doctor of medicine, for a new mode of slaughtering animals intended for human food.

Thomas Robinson Williams, of 61, Cheapside, C. E., for certain improvements in machinery for spinning, twisting, or curling, and weaving horse-hair, and other hairs, as well as various fibrous substances.

Henry Count de Crony, of Picardy, France, now residing at 14, Cambridge-street, Edgeware-road, for certain improvements in filtration; being a communication from a foreigner.

John Alexander Elzear Degrand, of the Boulevard du Temple, Paris, now residing in Paul's Chain, London, C. E., for improvements in the production of motive power, and in machinery for applying the same to useful purposes.

Daniel Chandler Hewitt, of Store-

street, Bedford-square, professor of music, for certain improvements in musical instruments.

John Chisholm and Maria Hypolite Bellemoir, of Pomeroy-street, Old Kent-road, manufacturing chemists, for improvements in treating massicot, litharge, and other compounds of lead, for the purpose of obtaining therefrom silver, and certain other products.

Godefroy Cavagnac, of Tavistock-row, Covent-garden, gent. for improvements in apparatus for transporting materials for various purposes, from one place to the other, particularly applicable to road-cutting and embankments.

Thomas Sweetapple, of Cotteshall Mill, in Godalming, paper-maker, for an improvement, or improvements in the machinery for making paper.

Frederick Neville, of Pancras-lane, in the City of London, gent., for an improved method, or process of manufacturing coke, whereby the sal ammoniac, bitumen, gases, and other residuous products of coal are at the same time separately collected, and the heat employed in the process is applied to various other useful purposes.

James Gardner, of Banbury, iron-monger, for improvements in cutting Swedish turnips, mangle wurzel and other roots used for food for sheep, horned cattle, and other animals.

Thomas Vaux, of Woodford, land surveyor, for improvements in tilling and fertilizing land.

Crofton William Moat, of Putney, for an improved mode of applying horse-power to carriages on ordinary roads.

Barclay Farquharson Watson, of Lincoln's-inn-fields, solicitor, for improvements in crushing or preparing New Zealand flax (*phormium tenax*).

Edwin Edward Cassell, of Mill Wall, Poplar, for improvements in lamps.

Job Cutler, of Lady Pool-lane,

Birmingham, gentleman, for improvements in combinations of metals, applicable to the making of tubes or pipes and to other purposes, and in the method of making tubes or pipes therefrom, which improved method is applicable to the making of tubes or pipes from certain other metals and combinations of metals.

James Lees, of Salem, near Oldham, Lancaster, cotton-spinner, for an improvement in the machinery for spinning, twisting, and doubling cotton, silk, wool, hemp, flax, and other fibrous materials.

John Hawkshaw, of Manchester, C. E., for certain improvements in mechanism or apparatus applicable to railways, and also to carriages to be used thereon.

Benjamin Goodfellow, of Hyde, Chester, mechanic, for certain improvements in machinery or apparatus for planing or cutting metals.

John Roberts, of Manchester, machine-maker, for certain improvements in machinery or apparatus for planing or cutting metals.

John Radcliffe, of Stockport, machine-agent, for the application of an improved covering for the rollers used in the several processes of preparing, drawing, slubbing, roving, spinning, twisting, and doubling of wool, cotton, wool flax, silk, mohair, or any other fibrous material or substance, or so many of such rollers as require, or are deemed to require covering for such several processes, or any of them.

Joseph Zambeau, of St. Paul's church-yard, chemist, for improvements in rotatory-engines, being a communication from a foreigner.

Andrew Smith, of Prince's-street, Leicester-square, engineer, for certain improvements in apparatus for heating fluids and generating steam.

Samuel Parker, of Argyll-place, London, lamp-maker, for improvements on stoves.



Carl Augustus Holm, of Mincing-lane, engineer, and John Barrett, of Vauxhall, printer, for certain improvements in printing.

Daniel Stafford, of 25, St. Martin's-le-grand, London, gentleman, in pursuance of the report of the

judicial committee of her Majesty's privy council, for certain improvements on carriages, being an extension for the term of seven years from the 24th day of December instant, of former letters patent.

## P O E T R Y.



## THE COLOSSEUM.

FROM POEMS BY R. M. MILNES.

I stood one night,—one rich Italian night,  
 When the Moon's lamp was prodigal of light,—  
 Within that Circus, whose enormous range,  
 Tho' rent and shattered by a life of change,  
 Still stretches forth its undiminish'd span,  
 Telling the weakness and the strength of Man.  
 In that vague hour which magnifies the great,  
 When Desolation seems most desolate,  
 I thought not of the rushing crowds of yore,  
 Who filled with din the vasty corridor;  
 Those hunters of fierce pleasure are swept by,  
 And host on host has trampled where they lie.  
 But where is he, that stood so strong and bold,  
 In his thick armour of enduring gold,  
 Whose massive form irradiant as the sun,  
 Baptized the work his glory beamed upon  
 With his own name, Colossal?—From the day  
 Has that sublime illusion shrunk away,  
 Leaving a blank weed-matted Pedestal  
 Of his high place the sole memorial?—  
 And is this miracle of imperial power,  
 The chosen of his tutelage, hour by hour,  
 Following his doom, and Rome, alive,—awake?  
 Weak mother! orphaned as thou art, to take  
 From Fate this sordid boon of lengthened life,  
 Of most unnatural life which is not life,  
 As *thou* wert used to live! oh! rather stand  
 In thy green waste as on the palm-flecked sand,  
 Old Tadmor, hiding not its death;—a tomb,  
 Haunted by sounds of life, is none the less a tomb.==  
 Then from that picture of the wreck-strewn ground,  
 Which the arch held in frame-work, slowly round  
 I turned my eyes and fixt them, where was seen  
 A long spare shadow stretcht across the green,  
 The shadow of the Crucifix,—that stood,  
 A simple shape of rude uncarven wood,  
 Raising, erect and firm, its lowly head  
 Amid that pomp of ruin,—amid the dead,  
 A sign of salient life;—the Mystery  
 Of Rome's immortal being was then made clear to me.

## SONNET.

*From the Same.*

I LOVE the Forest ;—I could dwell among  
 That silent people, till my thoughts up-grew  
 In nobly ordered form, as to my view  
 Rose the succession of that lofty throng :—  
 The mellow footstep on a ground of leaves  
 Formed by the slow decay of numerous years,—  
 The couch of moss, whose growth alone appears  
 Beneath the fir's inhospitable eaves,—  
 The chirp and flutter of some single bird,—  
 The rustle in the brake,—what precious store  
 Of joys have these on Poets' hearts conferred !  
 And then at times to send one's own voice out,  
 In the full frolic of *one* startling shout,  
 Only to feel the after-stillness more !

---

## A WALK IN A CHURCH-YARD.

FROM POEMS BY R. C. TRENCH.

WE walked within the Church-yard bounds,  
 My little boy and I—  
 He laughing, running happy rounds,  
 I pacing mournfully.

“Nay, child ! it is not well,” I said,  
 “Among the graves to shout,  
 To laugh and play among the dead,  
 And make this noisy rout.”

A moment to my side he clung,  
 Leaving his merry play,  
 A moment stilled his joyous tongue,  
 Almost as hushed as they.

Then, quite forgetting the command  
 In life's exulting burst  
 Of early glee, let go my hand,  
 Joyous as at the first.

And now I did not check him more,  
 For, taught by Nature's face,  
 I had grown wiser than before  
 Even in that moment's space :

*She* spread no funeral pall above  
 That patch of church-yard ground,  
 But the same azure vault of love  
 As hung o'er all round.

And white clouds o'er that spot would pass,  
 As freely as elsewhere ;  
 The sunshine on no other grass  
 A richer hue might wear ;

And formed from out that very mould  
 In which the dead did lie,  
 The daisy with its eye of gold  
 Looked up into the sky ;

The rook was wheeling overhead,  
 Nor hastened to be gone—  
 The small bird did its glad notes shed,  
 Perched on a grey head-stone.

And God, I said, would never give  
 This light upon the earth,  
 Nor bid in childhood's heart to live  
 These springs of gushing mirth,

If our one wisdom were to mourn,  
 And linger with the dead,  
 To nurse, as wisest, thoughts forlorn  
 Of worm and earthy bed.

Oh no, the glory Earth puts on,  
 The child's unchecked delight,  
 Both witness to a triumph won  
 (If we but judged aright,)

A triumph won o'er sin and death—  
 From these the Saviour saves ;  
 And, like a happy infant, Faith  
 Can play among the graves.

## TO A ROBIN RED-BREAST SINGING IN WINTER.

*From the Same.*

OH light of heart and wing,  
 Light-hearted and light-winged, that dost cheer  
 With song of sprightliest note the waning year,  
 Thou canst so blithely sing,  
 That we must only chide our own dull heart,  
 If in thy music we can bear no part.

Thy haunts are winter-bare,  
The leaves in which thou didst so lately keep  
Are being trodden to a miry heap ;  
But thou art void of care,  
And singest not the less, or rather thou  
Hast kept thy best and boldest notes till now.

Thou art so bold to sing  
Thy sweetest music in the saddest hour,  
Because thy trust is in the love and power,  
Which can bring back the spring,  
Which can array the naked groves again,  
And paint with seasonable flowers the plain.

But we are merely sad,  
When as for us this earthly life has shed  
The leaves that once arrayed it ; and instead  
Of rich boughs, foliage-clad,  
A few bare sticks and twigs stand nakedly,  
Fronting against the cold and angry sky.

Yet would we only see  
That hope and joy, the growth of lower earth,  
Fall from us, that another truer birth  
Of the same things may be ;—  
That the new buds are travelling up behind,  
Though hid as yet beneath the naked rind,

We should not then resign  
All gladness, when spring promises depart,  
But 'mid our wintriest bareness should find heart  
To join our songs with thine,  
Strong to fulfil, in spirit and in voice,  
That hardest of all precepts—to rejoice.

---

## SONNET.

*From the Same.*

To feel that we are homeless exiles here,  
To listen to the world's discordant tone,  
As to a private discord of our own,  
To know that we are fallen from a sphere  
Of higher being, pure, serene, and clear,  
Into the darkness of this dim estate—  
This thought may sometimes make us desolate,  
For this we may shed many a secret tear.

But to mistake our dungeon for a throne,  
Our place of exile for our native land,  
To hear no discord in the universe,  
To find no matter over which to groan,  
This (oh that men would rightly understand !)  
This seeming better, were indeed far worse.

---

## SONNET.

*From the Same.*

How thick the wild-flowers blow about our feet,  
Thick-strewn and unregarded, which, if rare,  
We should take note how beautiful they were,  
How delicately wrought, of scent how sweet.  
And mercies which do everywhere us meet,  
Whose very commonness should win more praise,  
Do for that very cause less wonder raise,  
And these with slighter thankfulness we greet.  
Yet pause *thou* often on life's onward way,  
Pause time enough to stoop and gather one  
Of these sweet wild-flowers—time enough to tell  
Its beauty over—this when thou hast done,  
And marked it duly, then if thou canst lay  
It wet, with thankful tears into thy bosom, well !



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